

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31066 of 2022

Arising Out of PS. Case No.-101 Year-2021 Thana- JHAJHA RAIL P.S. District- Lakhisarai

Md. Raish Son Of Md. Ishak, Resident Of Village-Fakirna, Ward No.-6, P.S.-
rosara, District-Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hare Krishna Prasad, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 07-12-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
G.R.P. Jhajha P.S. Case No. 101 of 2021 lodged under Sections
380 and 411 of the I.P.C.

As per prosecution case, the allegation of theft is there
in the F.I.R. and the informant disclosed that when she was in
train then her bag in which ATM Cards of S.B.I. Bank, Axis
Bank and other bank as well as Post Office, Aadhar Card, Pan
Card, Gold chain, Tops, the keys, cash and mobiles were subject
to theft and price of the gold was about Rs.1,80,000/-.

Learned counsel for the petitioner submits that

petitioner is innocent and has committed no offence. He further submits that the name of the petitioner has figured in this case by confessional statement in which ATM Card has been used by the petitioner for drawing Rs.25,000/- as well as he has also accepted the allegation of theft. Learned counsel for the petitioner further submits that it is a case of theft in which trial has to be conducted by Magistrate, petitioner is in custody since 03.12.2021 and the antecedent of the petitioner is clean.

Learned counsel for the State opposes the prayer for bail and submits that recovery has been made from the possession of the petitioner but admits that it is a case of magisterial triable case.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Railway Magistrate, Kiul, Lakhisarai in connection with G.R.P. Jhajha P.S. Case No. 101 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date

fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

ravishankar/-

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