

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32089 of 2022

Arising Out of PS. Case No.-269 Year-2021 Thana- SISWAN District- Siwan

HASNAIN RAI Son of Ahmad Ali Resident of Village - Chhapiya Bujurg,
P.S. Hussainganj, District - Siwan.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Udit Narayan Singh

For the Opposite Party/s : Dr. (Mrs). Indihar Kumari

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 06-09-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within one

month.

Learned counsel for the petitioner submits that in view of
the permission given to the petitioner vide order dated 30.8.2022,
petitioner has filed supplementary affidavit and its hard copy is being
filed today in court.

Let it be kept on record.

Petitioner seeks regular bail in Siswan (Chainpur O.P) P.S
Case No. 269 of 2021 registered for the offences punishable under
Sections 461 and 380 of the Indian Penal Code.

As per allegation an incident of theft was committed in the
canteen of the informant and several articles worth Rs 8/- lakh was
stolen away by the accused persons and during course of
investigation, as per prosecution stolen articles were recovered from



the shop of the petitioner who happens to be owner of a **Kabari** shop.

The main submissions advanced by Sri Udit Narayan Singh, the learned counsel appearing for the petitioner are that alleged recovered articles from the shop of the petitioner are on the basis of suspicion and after recovery, the police did not get any attempt to identify those articles by the owner concerned who lodged the FIR and petitioner has been languishing in jail since 10.3.2022.

Dr. (Mrs). Indihar Kumari, learned APP appearing for the State has opposed the prayer for bail.

In view of above submissions and mainly considering the petitioner's defence that recovered articles from the shop of the petitioner were not put on test identification parade and the petitioner is stated to be owner of Kabari shop, in the opinion of this court, a lenient approach can be taken in respect of the petitioner.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri Anurag Mishra, Judicial Magistrate, Ist Class, Siwan/ concerned court in Siwan (Chainpur O.P) P.S Case No. 269 of 2021 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient



reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailers shall be close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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