

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34103 of 2022

Arising Out of PS. Case No.-663 Year-2021 Thana- RAMKRISHNANAGAR District- Patna

SANTOSH KUMAR @ SANTOSH MISHRA, Son of Shashi Bhushan
Mishra Resident of Village - Milki, P.s.- Muffasil, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashank Shekhar, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-09-2022 Heard learned counsel for the petitioner and the
learned APP for the State.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The case is registered under Sections 447, 380, 427,
307 and 511 of the Indian Penal Code in connection with Ram
Krishna Nagar P.S. Case No.663 of 2021.

The allegation in the FIR is that the petitioner who
used to work as a painter in the informant's house broke into his
house and stolen Rs.2,00,000/- as also some gold items. Further
when his son went inside, the accuseds also tried to strangulate
him. The incident was captured in the CCTV.

Accordingly, the police during the course of
investigation arrested the petitioner and it is alleged that some
stolen articles were recovered/seized from a room of the Vishnu



Shree Hotel.

Learned counsel for the petitioner submits that although they claim to have seen the occurrence in CCTV. despite the fact that he is in custody since 09.01.2022, no TI Parade has been done. Simply because he has criminal antecedent, he has been made accused in this case.

Per contra learned APP submits the fact that the has been caught in the CCTV. shows his involvement in the alleged occurrence coupled with the fact that some stolen articles do have been recovered.

Taking into account the fact that he is in custody since 09.01.2022, charge-sheet stands submitted, no TI Parade has been done, though he has criminal antecedent, this Court is inclined to grant him privilege of bail after framing of the charges.

Let the petitioner be released on bail after framing of the charges on furnishing bail bond of Rs.20,000/-(Rupees Twenty Thousand) with two sureties of the like amount each in connection with Ram Krishna Nagar P.S. Case No.663 of 2021 to the satisfaction of learned Additional Chief Judicial Magistrate, XIII, Patna, subject to following conditions:

(i) one of the bailor should be the family member of



the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

U		T	
---	--	---	--

