

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34338 of 2022

Arising Out of PS. Case No.-136 Year-2022 Thana- BEGUSARAI TOWN District- Begusarai

SURAJ THAKUR Son of Ajay Thakur Resident of Village - Ashok Nagar,
Pokharia, Ward no.36, Baldani Durga Sthan Jhoparpatti, P.s.- Town, Distt.-
Begusarai. ... Petitioner

Versus

The State of Bihar

Opposite Party

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr.Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

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

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The case is registered under sections 461 and 379
of the Indian Penal Code, in connection with Town P.S. Case
No. 136 of 2022.

As per the prosecution story, the informant has
alleged that his jewellery shop was burgled in the night and the
accused persons took away 2.5 kg. of silver articles as also Rs.
5000/- cash. It was his further information that everything has
been recorded in CCTV. Accordingly, the police investigated the
matter and the name of the accused-petitioner cropped in on the
confessional statement of Jyotish Kumar. Accordingly, his house
was raided and silver articles as also Rs. 5000/- were
recovered/seized.



Learned counsel for the petitioner submits that although the police alleges to have recovered/seized the silver articles from his house, despite request of the police, the informant failed to present himself for the T.I. Parade of the articles and in the back ground of the aforesaid fact, it cannot be said that those articles recovered from the house are the same ones stolen from the shop of the informant. He further submits that he is in custody since 2.3.2022 (as stated in para-18 of the bail application) and has no criminal antecedent.

Considering the fact that he is in custody since 2.3.2022, has no criminal antecedent, no T.I. Parade of the recovered/seized articles has been done, this Court is inclined to grant him the privilege of bail. However, if it is found that he do have criminal antecedent, this order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Town P.S. Case No. 136 of 2022 subject to the following conditions:

(i) one of the bailors should be the family members 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 reasons will entail his cancellation of bail by the Trial Court itself;

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

(iv) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, 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)

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