

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36636 of 2022

Arising Out of PS. Case No.-385 Year-2021 Thana- BELHAR District- Banka

RAJESH KOL S/O SUKHDEV KOL Resident of Village- Bhurkuria, P.S.-
Fullidumar, District- Banka (bihar).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-09-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

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

The petitioner is in judicial custody in connection
with Belhar (Khesar) P.S. Case No. 385 of 2021 for the offences
under Sections 457 and 380 of the Indian Penal Code.

As per the prosecution story, the allegation in the FIR
is that when the informant was sleeping with his family
members, some unknown thieves entered into his house and
decamped with golden ear-ring, a mobile and cash of Rs.
25,000/- etc.

Learned counsel for the petitioner submits that
nothing has been recovered from his possession and the name of



the petitioner has only been transpired on the basis of the CDR of the theft mobile which actually was bought by him from one of his friend for which he has already suffered by being in custody since 17.03.2022. He however, concedes that he has no criminal antecedent.

Per contra, learned APP for the State submits that as per the order of the learned Sessions Judge's observation, his name has cropped up during the course of investigation on the basis of the CDR of theft mobile.

Considering the fact that the petitioner is in custody since 17.03.2022 and charge sheet stands submitted, this court is inclined to grant him privilege of bail.

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, Banka in connection with Belhar (Khesar) P.S. Case No. 385 of 2021, subject to the 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 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) 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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