

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38051 of 2022

Arising Out of PS. Case No.-223 Year-2021 Thana- LODIPUR District- Bhagalpur

Md. Firoz S/o Md. Sagir, R/o Mohalla- Bhikhanpur, Gumti No. 03, Tank Lane
Road, P.S.- Ishakchak, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 23-09-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual mode.

The petitioner seeks regular bail in connection with
Lodipur P.S. Case No. 223 of 2021, lodged under Sections 457,
380/411 of the Indian Penal Code.

As per the prosecution case, the allegation of making
theft against the named accused persons is there in the F.I.R.

Learned counsel for the petitioner submits that upon
minute reading of the F.I.R., it transpires that the present case
has been implanted against the present petitioner, on one hand it
is submitted that 15 items have been subject to theft of his house
but he identified the said thief by virtue of red colour *Chadar*

and towel. Learned counsel for the petitioner further submits that the alleged seizure has not been made by the Police, rather the alleged recovery was made on the instance of *Ward Parishad* and villagers and they used a methodology which is unknown to law. He further submits that petitioner is become accused and subject to a deep rooted conspiracy due to dirty village politics. Learned counsel for the petitioner further submits that petitioner is in custody since 13.11.2022 having clean antecedent.

Learned counsel for the State opposes the prayer for bail.

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 Additional Chief Judicial Magistrate-IX, Bhagalpur in connection with Lodipur P.S. Case No. 223 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.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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