

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52227 of 2021

Arising Out of PS. Case No.-317 Year-2016 Thana- VAISHALI District- Vaishali

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Amar Kumar, S/o Devnarayan Singh, R/o village- Kartaha Buzurag, P.S.-
Kartaha, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate
Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Rajendra Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 22-08-2022 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, within a

period of four weeks from today.

Heard Mr. Sunil Kumar, learned counsel appearing on
behalf of the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Vaishali (Belsar O.P.) P.S. Case No. 317 of
2016 registered for the offences punishable under Sections 456,
461 and 379 of the Indian Penal Code.

As per the prosecution case, it is alleged that unknown
miscreants had stolen the clothes worth Rs. 4,50,000/- and cash
Rs.4,000/ from the shop of the informant.

Learned counsel appearing on behalf of the petitioner



submits that the petitioner is not named in the F.I.R., however, during the course of investigation, co-accused Bablu Pandit was arrested in connection with Kudhni P.S. Case No. 394 of 2016 and on his confession, the stolen clothes were recovered from the possession of this petitioner. He further submits that the petitioner was having no knowledge about the clothes being stolen, purchased the same after making payment of the same and moreover with regard to the recovery of looted articles one another F.I.R. was instituted, in which the petitioner has already been granted bail by the court below itself. It is also submitted that co-accused Bablu Pandit, on whose confession, the name of the petitioner has transpired, has already been granted bail by the learned coordinate Bench of this Court in Cr. Misc. 36987 of 2017 vide order dated 30.08.2017. It is lastly submitted that in a case of theft, the petitioner is in custody since 01.05.2021.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that the stolen clothes was recovered from the possession of this petitioner.

Having regard to the submissions made on behalf of the parties and considering the period of incarceration as well as the materials available on record, let the petitioner, named



above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned 16th Additional Chief Judicial Magistrate, Vaishali at Hajipur in connection with Vaishali (Belsar O.P.) P.S. Case No. 317 of 2016, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain physically present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this



purpose or in the name of verification.

(Harish Kumar, J)

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