

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42980 of 2022

Arising Out of PS. Case No.-738 Year-2021 Thana- MADHAURAH District- Saran

BRIJ KISHORE KUMAR S/o Suraj Lal Singh R/o village- Sipah Khash,
P.S.- Manjhagarh, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar

For the Opposite Party/s : Mr.Harendra Prasad

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-11-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Madhowrah P.S. Case No. 738 of 2021 registered for the
offences punishable under Sections 395 and 412 of the Indian
Penal Code.

As per prosecution case, the informant runs a
medical store at his house and on 23.12.2021 at about 12:00 PM
while the informant was sleeping alongwith other family
members, three unknown persons committed theft of Rs. 2 lakh
by breaking the lock of main gate. It is further alleged that
accused persons also committed theft of some ornaments and



clothes after breaking the box and the informant could not raise alarm due to fear of assault.

Learned counsel for the petitioner submits that petitioner is in custody since 29.01.2022. Petitioner bears one criminal antecedent in which he is on bail. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that petitioner is not named in the F.I.R. His name has been surfaced on the basis of self confessional statement of the petitioner as mentioned in the impugned order. No incriminating article has been recovered from the possession of the petitioner. Co-accused Sunil Kumar against whom recovery of stolen article has been made, has already been granted bail vide Cr. Misc. No. 30997 of 2022 by this Court and the case of present petitioner stands on better footing as nothing incriminating has been recovered from the conscious possession of the petitioner.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the



prosecution evidence, co-accused has already been granted bail by this court, argument advanced on behalf of the parties and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Saran at Chapra in connection with Madhowrah P.S. Case No. 738 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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