

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43005 of 2022**

Arising Out of PS. Case No.-370 Year-2021 Thana- BAJPATTI District- Sitamarhi

KAMLESH GIRI SON OF BAIJU GIRI R/O VILLAGE- BHOOP BHAIRO,
KHAP TOLA, P.S. AND DISTRICT- SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha
For the Opposite Party/s : Mrs.Rita Verma

**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
Bajpatti P.S. Case No. 370 of 2021 registered for the offences
punishable under Section 395 of the Indian Penal Code.

As per prosecution case, five miscreants entered
into informant's house after crossing posterior wall. They
entered into the room and pointed pistol on informant's wife and
demanded key and took ornaments, mangalsutra, earrings and
ring all made of gold, silver ornaments worth Rs. 1,25,000/-,
brass utensils, mobile phone, wallet containing Aadhar Card,
PAN Card, driving license, ATM Card and Rs. 50,000/-.



Learned counsel for the petitioner submits that petitioner is not named in the FIR and during course of investigation his name has been disclosed by the spy and others. Petitioner is in custody since 16.03.2022 and bears criminal antecedent of five cases. He further submits that petitioner has not been put on TIP. No incriminating article has been recovered from possession of the petitioner. Co-accused Sunil Sharma on similar allegation has already been granted bail by this Court vide Cr. Misc. No. 34702 of 2022. Except suspicion, there is nothing on record to demonstrate the complicity of the petitioner with the alleged occurrence. He further submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

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

Considering the facts and circumstances of the case, period of custody, co-accused on similar allegation has already been granted bail, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, as submitted, argument advanced on behalf of both sides 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 Chief Judicial Magistrate, Sitamarhi in connection with Bajpatti P.S. Case No. 370 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.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(v) Petitioner shall not leave the territorial jurisdiction of the concerned trial court without appropriate



permission of the court concerned.

(vi) However, if petitioner violates any of the conditions enumerated above, the trial court is at liberty to cancel the bail bond of the petitioner.

(Alok Kumar Pandey, J)

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