

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44308 of 2022**

Arising Out of PS. Case No.-133 Year-2022 Thana- JAGDISHPUR District- Bhagalpur

Mritunjay Kumar, Son of Siyalal Singh @ Siyaram Singh, Resident of
Jagdishpur, P.S- Jagdishpur, Distt.- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Swapnil Kumar Singh

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

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

2 14-10-2022

This petition has been taken up for out of turn hearing on a mentioning slip being moved on behalf of the petitioner that the petitioner was granted liberty to renew his prayer for bail if the trial was not concluded after two months of the framing of charge by the learned court below when his prayer for bail was rejected.

Heard learned counsel for the petitioner and learned A.P.P. for the State through video conferencing.

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

In the present case, the petitioner seeks bail in connection with Jagdishpur P.S. Case No. 133 of 2022 registered for the alleged offences under Sections 461, 379 and 411 of the Indian Penal Code.



As per prosecution case, a theft was committed in the shop of the informant and the thief took away a number of goods from the shop along with Rs.10,000-15,000/- from the cash box. The informant claimed to have identified the thief from CCTV footage and named this petitioner with his details as the person who committed the theft.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case due to village politics as he is a member of Panchyat Samiti. The petitioner is well known to the informant. Recovery of Rs.2100/- shown from the petitioner could be made from any person. Apart from this, no other article which might incriminate the petitioner has been recovered from his conscious possession. The learned counsel further submits that the petitioner is in custody since 13.04.2022 and is having clean antecedent. The charge sheet has been submitted.

Learned A.P.P. opposes the prayer for bail submitting that the petitioner was seen in the CCTV footage by the informant.

Having regard to the facts and circumstances and submissions made hereinabove and considering the possibility of false implication and further considering the submission of



charge sheet and the period of custody of the petitioner along with his clean antecedent, he is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Bhagalpur, in connection with Jagdishpur P.S. Case No. 133 of 2022, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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