

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53601 of 2021**

Arising Out of PS. Case No.-126 Year-2021 Thana- SABAUR District- Bhagalpur

MD. HELAL S/o Md. Rafik R/o village- Pani Tanki Sabour, P.S.- Sabour,
District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Adv.

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 10-01-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

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

The petitioner seeks bail in connection with Sabour P.S. Case No. 126 of 2021 registered for the offence under Sections 379, 414 and 34 of the Indian Penal Code.

The case relates to theft of household articles from the house of informant and the said articles are stated to be recovered from the Kabari Shop of the petitioner.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that it is a peculiar case where the



alleged occurrence is stated to be committed in the night of 10.05.2021, but surprisingly the instant F.I.R. has been registered on the same day of 10.05.2021 at 05:45 P.M. and subsequently, the seizure -cum- production list has also been prepared on the same day at 03.45 P.M. The manner of occurrence and the series of date and time clearly depicts that the entire prosecution is false and fabricated one, in which, the petitioner has not played any pivotal role. Nothing incriminating has been recovered from the conscious possession of the petitioner. In fact, the petitioner happens to be a labourer of a Kabari shop of Suraj Sah, who has also been made accused in this case and has already been granted bail by this Court vide order dated 20.12.2021 passed in Cr. Misc. No. 49660 of 2021. The petitioner, who is of clean antecedent, is rotting in judicial custody since 11.05.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Bhagalpur in connection with Sabour P.S. Case No. 126 of 2021 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

And, further condition that 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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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