

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56283 of 2021

Arising Out of PS. Case No.-565 Year-2019 Thana- BAGHA District- West Champaran

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ANGAD CHAUDHARY @ AGAN CHAUDHARY Son of Girjesh Chaudhary, Resident of Village - Bankatwa, P.S.- Bagaha, Distt.- West Champaran Presently residing at Village - Baswariya, Piunibag, P.S.- Bettiah Town, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. App

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 29-03-2022 Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the offence punishable under Sections 380 of the Indian Penal Code.

Informant has alleged that on 22.10.2019 at about 10:00 p.m., after taking dinner he went to sleep but he forgot to lock his door and at about 3:15 in the night when he woke up, he saw that his Samsung mobile and two briefcases was not there. Thereafter, he started making search the missing articles and when he went at the roof of his house, he found his briefcase opened and Rs.7,000/- and Mangalsutra of his wife were missing from said briefcase.

It has been submitted on behalf of the petitioner that

he is innocent and has falsely been implicated in this case. It is further submitted that petitioner is not named in the FIR and he is in custody since 15.03.2021.

However, learned APP states that though the petitioner is not named in the FIR and there is no recovery, case is found true under Sections 380 and 411 of the I.P.C. against the petitioner and apart from that, petitioner has eleven criminal antecedent mostly of similar nature.

Considering the facts and circumstances of the case and nature of allegation, I am not inclined to enlarge the petitioner on bail at this stage. Hence, the prayer for bail of the petitioner is hereby rejected.

However, **after framing of charges or if the charge has already been framed**, petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Bagaha P.S. Case No. 565/2019 with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

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

(S. Kumar, J)

Sanjay/-

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