

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60581 of 2021

Arising Out of PS. Case No.-500 Year-2020 Thana- BAIRIYA District- West Champaran

Bablu Kumar S/O Sri Binda Prasad @ Binda Mahto R/o village- Malahi Tola,
Bairiya, P.S.- Bairiya, District- West Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr.Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 17-05-2022

Heard Mr. Abhisekh Kumar, learned counsel for the

petitioner and Mr. Bharat Bhushan, the learned APP representing
the State.

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

The petitioner is in custody in connection with Bairiya
P.S. Case No. 500 of 2020 registered under sections 461/379 of
the Indian Penal Code.

As per the FIR, the informant after closing his cloth
shop went to home but received information from a neighbour
that a thief has been caught hold of while committing theft in the
shop whereas another thief escaped. Upon reaching his shop, he
found albestos sheet of the roof broken. The clothes inside the
shop was scattered and he alleged that the thief who fled away
took with him cloth worth Rs. 57,000/- and cash Rs. 32,000/-.
The apprehended thief Prem Kumar gave the name of his
associate as Bablu Kumar (the petitioner herein).



The petitioner accordingly came into judicial custody, 27.6.2021.

The learned counsel for the petitioner submits that he does not have any criminal antecedent, was not arrested from the spot and due to village rivalry, the accused Prem Kumar disclosed the name of the petitioner which would evident from the fact that despite he being apprehended, nothing which the shopkeeper alleged to have been stolen, were recovered from his possession. He further submits that the petitioner is in custody since 27.6.2021(as stated in para-9 of the bail application). He lastly submits that if it is found that he has any criminal antecedent contrary to what has been stated in para-3 of the bail application in case he is granted the privilege of bail, the order shall become infructuous.

Taking into account the aforesaid facts that the petitioner does not have any criminal antecedent and is in custody since 27.6.2021; this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Bettiah, West Champaran, in connection



with Bairiya P.S. Case No. 500 of 2020 subject to the following conditions:-

(i) if contrary to statement made in para-3, he has criminal antecedent, the bail order shall become infructuous;

(ii) one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;

(iii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iv) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Ravi/-

U		T	
---	--	---	--

