

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51506 of 2022

Arising Out of PS. Case No.-166 Year-2020 Thana- PUPRI District- Sitamarhi

LAL BABU DAS @ BADAL Son of Late Ramashish Das R/V- Pupri Ward
no. 7, P.S- Pupri, Dist.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Satyendra Prasad. APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 09-12-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Santosh Kumar, learned counsel for the
petitioner and learned APP for the State through video
conferencing.

The petitioner seeks regular bail, who is in custody in
connection with Pupri P.S. Case No. 166 of 2020, for the
offences punishable under Sections 461, 379 of the Indian Penal
Code.

The prosecution case is based on a written report of
the informant alleging therein that some unknown thief have
stolen away gold and silver ornaments from the shop of the
informant and accordingly an FIR has been instituted against the



unknown person.

Learned counsel appearing on behalf of the petitioner submits that FIR has been instituted against unknown person, however, during the course of investigation, the petitioner has been arrested by the police and his name has been implicated in this case on his own self confession and save and except the self confession there is no material suggesting the complicity of the petitioner in the present crime. He further submits that no incriminating material, much less the stolen property has been recovered from the person and possession of the petitioner. He next submits that one another co-accused person having similar allegation, who was also arrested by the police and implicated in the crime on the basis of his own confession, has been granted bail by learned Co-ordinate Bench of this Court in Cr. Misc. No. 5835 of 2022 vide order dated 21.06.2022.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the petitioner is found involved in other five identical nature of crime.

Regard being had to the submissions made on behalf of the parties and considering the fact that no incriminating material much less the stolen property has been recovered



from the person and possession of the petitioner and moreover, other co-accused person having similar allegation has been allowed privilege of bail by learned Co-ordinate Bench of this court and the investigation of the crime is already complete, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Pupri, Sitamarhi in connection with Pupri P.S. Case No. 166 of 2020, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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