

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64021 of 2021

Arising Out of PS. Case No.-432 Year-2021 Thana- BIDUPUR District- Vaishali

SUBODH PODDAR S/o Ganesh Poddar @ Sonelal Singh Resident of
Village- Chakbrahim, P.S.- Bidupur, District- Vaishali.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 05-05-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Sanjay Kumar Singh, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Bidupur P.S. Case No. 432 of 2021 registered for the offences punishable under Sections 457, 380 of the Indian Penal Code and later on Section 411 of the Indian Penal Code was added. He is in custody since 11.09.2021 having no criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, the informant has alleged that on 22.08.2011 he went to Gopalganj and returned his house on 03.09.2021, when he reached his house, he saw



that main gate was closed but a gate on eastern side was opened after breaking lock. He further alleged that gold ornaments of about 150 grams, silver ornaments of about 600 grams and cash of Rs. 1 Lakh have been stolen from his house by unknown thieves.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case, he is not named in the F.I.R. and his name has transpired in the confessional statement of co-accused Toofani Paswan.

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

Having regard to the submission that the name of this petitioner has transpired in the confessional statement of the co-accused Toofani Paswan, the allegation is that a sum of Rs. 94,000/- which is looted money has been recovered from the possession of the petitioner but the petitioner claims that it is his money and there is no Test Identification Parade of the seized currencies and further submission that the petitioner is in custody in connection with this case since 11.09.2021, he has otherwise no criminal antecedent and the trial is not likely to take place in near future, this court directs release of the petitioner above named on bail on furnishing of bail bond of Rs.



25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Bidupur P.S. Case No. 432 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

