

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54838 of 2022

Arising Out of PS. Case No.-130 Year-2021 Thana- MOUZA HIDPUR District- Bhagalpur

RAJA DOM S/o- Ajay Dom Resident of Village- Aliganj, Bounsi Road, Near
Sonalika Tractor Agency, P.S.- Babarganj, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate.

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 16-12-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Ranjan Kumar Jha, learned counsel for the petitioner and Mr. Nand Kishore Prasad, learned Additional Public Prosecutor for the State through video conference.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Mojahidpur (Babarganj) P. S. Case No. 130 of 2021 registered for the offences punishable under Section 379 of the Indian Penal Code.

As per the prosecution case, it is alleged that one garbage cart kept in front of the house of the informant was stolen in the night. It is further alleged that from the CCTV



footage, the petitioner was identified as one of the thieves.

Learned counsel appearing on behalf of the petitioner submitted that nothing has been recovered from the conscious possession of the petitioner or from his house, however, only on the basis of CCTV footage, the name of the petitioner has been implicated in this case, though, the evidences on which the petitioner has been implicated is not at all admissible under the Evidence Act. It is further submitted that there was some dispute going on in between the petitioner and the informant, on account of such dispute, his name has been implicated. It is next submitted that the petitioner has neither been put on Test Identification Parade nor any incriminating material has come during the course of investigation and moreover, the petitioner is in custody since 23.02.2022.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner is also found involved in two other similar nature of crime.

Regard being had to the submissions made on behalf of the parties and taking into account the period of custody and moreover, the investigation of the crime is complete and charge sheet has been submitted, let the petitioner, above



named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Bhagalpur in connection with Mojahidpur (Babarganj) P. S. Case No. 130 of 2021, subject to the condition that one of the bailors will be the close relative 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 step for cancelling 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.

(Harish Kumar, J)

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