

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68227 of 2021

Arising Out of PS. Case No.-326 Year-2021 Thana- SHASTRINAGAR District- Patna

PRAMOD BIND S/o Vijay Bind R/o village- Rupaspur Bind Toli, P.S.-
Rupaspur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shambhu Sharan Singh, Advocate

For the Opposite Party/s : Md. Anbzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 26-07-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Shastrinagar P.S. Case No. 326 of 2021 registered for the
offence under Sections 401, 411, 413 and 414 of the Indian
Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 10.08.2021.

The allegation against the petitioner is a member of
gangs of theft and also dishonestly receiving stolen property and
also habitually dealing thereof.

Learned counsel appearing on behalf of the petitioner
submitted that petitioner is not named in the FIR and nothing



surfaced on the basis of confessional statement of co-accused, namely, Kallu Bind. It is submitted that no incriminating material surfaced during course of investigation or recovered from the possession of the petitioner, which may connect the petitioner with present allegations. It has further been pointed out that petitioner involved in six (6) similar nature of cases, in which he is on bail. It is submitted that the name of the petitioner surfaced in most of the cases on the basis of confessional statement of co-accused, as of present. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that petitioner is not named in FIR.

Considering the facts and circumstances as mentioned above, as nothing incriminating material recovered from the possession of the petitioner, which may connect the petitioner, *prima facie*, with the present set of allegations/recovery coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Shastrinagar P.S. Case No. 326 of 2021 on



furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Patna/concerned court, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Shalti Devi, who is the sister of the petitioner and deponent of the present bail petition.”

(iv) If the accused/petitioner tempers with the evidence or witnesses, in that even trial Court shall be at liberty cancelled the bail bond of the petitioner.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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