

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(BEFORE RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.632 of 2022**

Arising Out of PS. Case No.-90 Year-2021 Thana- BUXAR INDUSTRIAL District- Buxar

MUKESH KUMAR, S/o Vimal Yadav, R/o village- Kukuraha, P.S.- Agiaon,
District- Bhojpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Sheo Jee Mishra, Advocate
For the Opposite Party/s	:	Mr.Akhileshwar Dayal, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 20-05-2022 Learned counsel for the petitioner undertakes to re-
move the defects as pointed out by the Stamp Reporter within
two weeks after start of normal functioning of this Court.

Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned APP for the State.

The petitioner in the present is seeking regular bail in
connection with Buxar (Industrial) P.S. Case No. 90 of 2021
registered for the offences punishable under Sections 458, 380
of the Indian Penal Code. The petitioner is in custody since
21.08.2021. He has got six criminal antecedents.

Learned counsel for the petitioner submits that as per
the prosecution story, on 16.05.2021 the informant had gone to
attend a Shradh ceremony after locking his house. On



20.05.2021, the informant got a telephonic message by his neighbour that the door facing the roof is opened. On this information, the informant went there and saw that lock of door of his house was broken and cash of Rs. 55,000/-, gold and silver jewellery were stolen from the almirah.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that the petitioner is not named in the First Information Report and no incriminating article has been recovered from his conscious possession. The petitioner is in custody since 21.08.2021.

Mr. Akhileshwar Dayal, learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Having regard to the submission that the petitioner is not named in the First Information Report and no incriminating article has been recovered from his possession and fuhrer submission that in all the six cases stated in paragraph '3' Police has implicated him on the basis of confessional statement of the co-accused, so far as the present case is concerned, he has remained in custody for nine months, investigation against him is complete and his presence may be secured in course of trial, this Court directs release of the petitioner above named on bail on



furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Buxar (Industrial) P.S. Case No. 90 of 2021, subject to the conditions as laid down under Section 437(3) of the 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.

And further condition that henceforth once in every two months the petitioner shall mark his attendance before the S.H.O. of Agiaon police station in the District of Bhojpur and shall keep on furnishing his complete whereabouts and mobile number to the S.H.O. If he is required to go outside the jurisdiction of the police station in connection with any employment etc. then also he will furnish his address and other information to the S.H.O. Non-compliance with this condition shall be reported by the S.H.O. of Agiaon police station to the learned court below and steps shall be taken for cancellation of the bail



of the petitioner.

Let a copy of this order be sent to the Superintendent of Police, Bhojpur for necessary instruction to the S.H.O. of the concerned Police Station.

(Rajeev Ranjan Prasad, J)

vats/-

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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 web-site under the heading 'Judicial Orders Passed During The Pandemic Period'.

