

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5231 of 2023

Arising Out of PS. Case No.-289 Year-2022 Thana- NATHNAGAR District- Bhagalpur

TUNNA SAH @ RAJEEV SAH SON OF JAMUNA PRASAD SAH R/O
MOHALLA- MANDIR ROAD, M.N. CHOWK, P.S.- NATHNAGAR,
DISTRICT- BHAGALPUR Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vivekanand Vivek, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
24.09.2022 in connection with Nathnagar (Lalmatiya) P.S. Case
No.289 of 2022, F.I.R. dated 03.05.2022 registered for the
offence punishable under Sections 457/380 of IPC.

As per the prosecution, the informant alleged that
some bundles of clothes were missing from his shop and further
it is alleged that some unknown persons have committed the
offence of theft at his shop.

Learned counsel appearing for the petitioner submits
that the petitioner has falsely been implicated in the present
case. Petitioner is not named in the FIR. The name of the
petitioner has been transpired during investigation on the basis
of the confessional statement of co-accused persons, namely,



Vikash Kumar and Aman Kumar. Further submits that except the confessional statement of co-accused persons, no other material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence. Further submits that nothing has been recovered from conscious possession of the petitioner and the co-accused persons, namely, Ranjan Kumar, Aman Kumar and Raj Kumar Choudhary have been granted bail by different Coordinate Benches of this Hon'ble Court vide orders dated 09.12.2022, 23.12.2022 and 14.12.2022 passed in Cr. Misc. Nos. 45878 of 2022, 46761 of 2022 and 51151 of 2022 respectively and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 24.09.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries three more cases other than the present one but fairly submits that the petitioner is on bail in all the case, as mentioned in para-3 of the bail petition.

Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned J.M./Incharge Court,



Bhagalpur in connection with Nathnagar (Lalmatiya) P.S. Case No.289 of 2022, with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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.

(Rajesh Kumar Verma, J)

Nitesh/-

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