

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8126 of 2023

Arising Out of PS. Case No.-523 Year-2021 Thana- MOTIHARI TOWN District- East
Champaran

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Krishna Kumar, Son of Hari Om Prasad R/v- Thakurbadi, P.S.- Town,
District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brajesh Kumar Singh
For the Opposite Party/s : Mr. Madhuri Lata

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 29-04-2023 Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with Town
P. S. Case No. 523 of 2021, registered for the offences
punishable under Sections 457 and 380 of the Indian Penal
Code.

The prosecution case as emerges from the FIR is
that on 20.08.2021 at about 02.00 P.M., when the
informant went to attend the Shradh Ceremony of his
father-in-law, the petitioner and his associates allegedly
committed theft in his house and taken away ornaments,
worth Rs. 32-34 lakhs.



Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that no stolen property has been recovered from the conscious possession of the petitioner. He further submits that the petitioner and the informant are residents of the same vicinity and due to previous enmity the informant has lodged this false case against the petitioner. He also submits that similarly situated co-accused have been granted bail by different Benches of this Court *vide* orders dated 23.06.2022 and 08.08.2022, passed in Cr. Misc. No. 7643 of 2022 and Cr. Misc. No. 65524 of 2021, respectively.

He further submits that the petitioner has been languishing in jail since 11.08.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently



opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Chief Judicial Magistrate, East Champaran, Motihari, in connection with Town P. S. Case No. 523 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.



(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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