

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10181 of 2023

Arising Out of PS. Case No.-384 Year-2022 Thana- SHASTRINAGAR District- Patna

Muna Kumar Son of Ram Sagar Ray @ Ram Sagar Singh Resident of village
- Naya Gunj, P.S.- Desari, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Bilash Roy Raman, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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

Petitioner seeks bail who is in custody since
03.10.2022 in connection with Shastri Nagar P.S. Case No. 384
of 2022, F.I.R. dated 03.07.2022 for the offences punishable
under Sections 457 and 380 of the Indian Penal Code.

According to prosecution case, some unknown thieves
have committed theft in the house of the informant when he was
out of town. He further submits that several articles including
silver utensils, trolley bag, etc. were stolen from the locker.

Learned counsel for the petitioner submits that



petitioner has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired on the basis of the self confessional statement of the petitioner and the so called looted articles have also been recovered from the possession of the petitioner. He further submits that from perusal of the seizure list of the present F.I.R. it appears that the articles recovered from the house of the petitioner does not match from the theft articles. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 03.10.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one but fairly submits that the petitioner is on bail.

Considering the aforesaid facts and circumstances, 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 the learned Additional Chief Judicial Magistrate, Hajipur, Vaishasli in connection with Shastri Nagar P.S. Case No. 384 of 2022, subject to 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 absence on two consecutive dates without sufficient reason, his 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)

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