

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14625 of 2023**

Arising Out of PS. Case No.-140 Year-2022 Thana- KASIMBAZAR District- Munger

Md. Munna Son of Md. Safi Alam R/v- Kaura Maidan, P.S.- Kasim Bazar,
District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surya Narayan Sah, Advocate

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 15-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since 30.08.2022, in connection with Kasim Bazar P.S. Case No. 140 of 2020, F.I.R. dated 25.05.2022 registered for the offences punishable under Section 457 and 380 of the Indian Penal Code.

The case of prosecution, in short, is that on 20.05.2022 a theft has been committed in the house of informant by some miscreants. During this incident, the miscreants took away several household articles along with some ornaments.

Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely 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



during investigation only on the basis of confessional statement of co-accused person namely Md. Faiz. He further submits that nothing incriminating article has been recovered from the conscious possession or the house of the petitioner. He further submits that similarly situated co-accused person namely Shiva Sahni has been granted bail by a Coordinate Bench of this court vide order dated 01.05.2023 passed in Cr. Misc. No. 6381 of 2023 and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 30.08.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries three more cases other than the present one .

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Munger in connection with Kasim Bazar P.S. Case No. 140 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 witness, 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 antecedents, 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)

Ibrar//-

U		T	
---	--	---	--

