

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13781 of 2023

Arising Out of PS. Case No.-242 Year-2022 Thana- MURLIGANJ District- Madhepura

CHAND KUMAR Son of Late Shibyanand Rajak R/V- Murliganj, Ward no.
15, P.S- Murliganj, Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate

For the Opposite Party/s : Mr. Rabindra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
23.05.2022 in connection with Murliganj P.S. Case No. 242 of
2022, F.I.R. dated 20.05.2022 for the offences punishable under
Sections 379, 461 of the Indian Penal Code.

According to prosecution case, the informant Praful
Kumar gave a written report to S.H.O. Murliganj police station
and alleging therein that on 20.05.2022 at about 09.00 A.M.,
when he went to his shop where he found that some items have
stolen as battery, inverter, laptop, solar panel, charging
controller, printer and other electronic times worth of Rs.5,000/-
by broken the lock by theft.

Learned counsel for the petitioner submits that



petitioner is innocent and he has falsely been implicated in the present case. He further submits that petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of self confessional statement of the petitioner. He further submits that nothing has been recovered from the conscious possession or the house of the petitioner rather the recovery has been made from the co-accused namely, Manoj Ramani and Niranjana Ramani. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 23.05.2022.

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

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-I, Madhepura in connection with Murliganj P.S. Case No. 242 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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