

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21532 of 2023

Arising Out of PS. Case No.-446 Year-2022 Thana- BEGUSARAI TOWN District- Begusarai

Md. Aamin S/O Md. Mukhtar Resident of Village- Harrakh, Ward No.- 13,
P.S.- Town, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarvottam Kumar, Advocate

For the Opposite Party/s : Ms. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 18-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

02. Let the defect (s), if any, as pointed out by the
office be removed within a period of four weeks.

03. In the present case, the petitioner seeks bail in
connection with Begusarai Town P.S. Case No. 446 of 2022
registered on 27.07.2022 for the alleged offences under Sections
457, 380 of the Indian Penal Code.

04. As per prosecution case, a theft was committed in
the house of the informant by unknown thieves, who took away
cash amount of Rs. 38,35,000/- and gold ornaments weighing
about 360 grams. The F.I.R. was registered against unknown
and the name of petitioner came up during investigation as one
of the thieves.



05. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He has not committed any offence and merely on suspicion, he has been arraigned in the present case. Nothing incriminating has been recovered from this petitioner or at his instance. The petitioner was not put to any Test Identification Parade. The petitioner has been made accused on the basis of his confessional statement, which was recorded by the police. The petitioner is in custody since 28.07.2022 and charge-sheet has been submitted. The petitioner is having two criminal antecedent, in which, he is on bail.

06. Learned APP for the State opposes the prayer for bail.

07. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no recovery has been shown from this petitioner and also considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Begusarai Town P.S. Case No. 446



of 2022 subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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