

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23569 of 2023

Arising Out of PS. Case No.-10 Year-2023 Thana- SIDHWALIYA District- Gopalganj

RAKESH KUMAR S/O NAGENDRA SAH R/O Village- Keshariya, P.S-
Keshariya, Distt.- (Mothihari) East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
06.02.2023 in connection with Sidhwalia P.S. Case No. 10 of
2023, F.I.R. dated 07.01.2023 for the offences punishable under
Sections 461, 379/34 of the Indian Penal Code.

According to prosecution case, on the basis of written
report of informant Sandeep Kumar alleging therein that he has
one mobile spare parts and repairing shop near Mobile Plaza,
which was inaugurated on 09.12.2022. It is further stated that on
07.01.2023 at about 06:00 A.M. some boys from his villager
informed that shutter of his shop is opened and lock is broken
and inside of the shop articles are scattered. It was also informed
that the CCTV Camera system was broken and when the
informant verified, he came to know that his computer set,



external hard disk, battery of Luminous company, inverter, power bank, data cables, 20 pieces of smart watches and other articles as per the details given in the fardbeyan of the informant were missing. It is also alleged that Rs.10,000/- cash was also missing.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he 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 during investigation on the basis of confessional statement of co-accused namely, Bipin Kumar. He further submits that no theft articles have been recovered from the house/shop of the petitioner rather the recovered article which was purchased by the petitioner from the shop of Ring Zone, Bakarganj, Patna and petitioner has no concern at all with the alleged recovery or the co-accused person. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 06.02.2023.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

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 Judicial Magistrate, 1st Class, Gopalganj in connection with Sidhwalia P.S. Case No. 10 of 2023, 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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