

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24143 of 2023

Arising Out of PS. Case No.-243 Year-2022 Thana- PURAINI District- Madhepura

Raj Kumar @ Githa, Son of Dinesh Sahni, Village Puraini, P.S Puraini,
District Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Sanjay Kumar Singh, Adv.

For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-07-2023 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
12.12.2022 in connection with Puraini P.S. Case No.243/2022,
dated 10.12.2022, for the offences punishable under Sections
461 and 379 of the IPC.

3. According to prosecution case, when the informant
reached at his shop in the morning, he found that many smart
phones worth Rs.5 lacs and also cash of Rs.25,000/- were looted
away and theft has been committed in his shop.

4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case. He
further submits that the petitioner is not named in the F.I.R. The
name of the petitioner has been transpired during investigation
on the basis of confessional statement of the co-accused,



namely, Guddu Kumar @ Gaimda, which has been recorded in Puraini P.S. Case No.244/2022. He further submits that on the basis of confessional statement of the co-accused persons namely, Bhuwan Kumar Jha @ Bhagwan Jha and Suraj Kumar recovery has been made. He further submits that nothing has been recovered from conscious possession or the house of the petitioner and except the confessional statement of the co-accused, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 12.12.2022.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner has carried two criminal antecedent other than the present one.

6. 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 Sri Yogendra Kumar Shukla, J.M.1st Class, Uda-kishunganj, Madhepura, in connection with Puraini P.S. Case No.243/2022, 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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