

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28166 of 2023**

Arising Out of PS. Case No.-159 Year-2021 Thana- GAIGHAT District- Muzaffarpur

RAJESH KUMAR Son of Shiv Chandra Sharma R/O Village - Lahladpur,
P.S.- Patepur, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Rina Sinha, Advocate

For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

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

4 01-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 05.04.2022, in connection with Gaighat (Muzaffarpur) P.S. Case No. 159 of 2021, F.I.R. dated 16.04.2021 registered for the offences punishable under Sections 379, 420 of the Indian Penal Code.

3. The F.I.R. of the occurrence of theft is against unknown.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. She 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 persons namely Jafar Ikbali and Manjay Kumar Singh. She further submits that nothing has been recovered from the possession or the house of the petitioner and except the confessional statement of co-accused persons, no other material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence. She further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 05.04.2022.

5. 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 seven more cases other than the present one almost of similar nature but fairly submits from paragraph-3 of the petition that out of seven cases, the petitioner is on bail in four cases.

6. Considering the facts and circumstances of the case and the period of custody, 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, Muzaffarpur in connection with Gaighat (Muzaffarpur) P.S. Case No. 159 of 2021, 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)

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