

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30065 of 2023**

Arising Out of PS. Case No.-92 Year-2022 Thana- NAANPUR District- Sitamarhi

Brijpal @ Brijpal Singh @ Brijpal Jat Son Of Dorgaji Resident Of Village -
Dhanupura, P.S. - Kadar Chowk, Distt. - Budaun (Uttar Pradesh)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md Fazle Karim, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 06-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with Nanpur
P.S. Case No.92 of 2022 registered for the offence under
Sections 457 and 380 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 17.05.2022.

The allegation against the petitioner is to commit
theft in the jewellery shop and while committing so taken away
7.5 kg silver jewellery, 450 grams gold jewellery and cash of
Rs.47,000/- alongwith other unknown co-accused persons on
intervening night of 02.03.2022.

Learned counsel appearing on behalf of the petitioner



submitted that the petitioner has been falsely implicated in the present case, where his name surfaced on the basis of confessional statement of co-accused Jagdish Jat. It is submitted that in furtherance of self-confession petitioner was remanded in the present case from Sitamarhi P.S. Case No. 225 of 2022. It is also submitted that one of the reason for suspicion is criminal antecedents of the petitioner as he found involved in six more criminal cases, otherwise having no bearing over the merit of the present case. It is also submitted that petitioner was not put on T.I.P. as yet and no incriminating materials recovered from him. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer for bail.

In view of the facts and circumstances as mentioned above and by taking note of the fact that nothing incriminating recovered/surfaced from possession of this petitioner, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 17.05.2022, accordingly petitioner, above named, is directed to be released on bail in connection



with Nanpur P.S. Case No.92 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Pupri, Sitamarhi/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C. with further conditions :-

(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly



supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.

(Chandra Shekhar Jha, J.)

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