

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29330 of 2023

Arising Out of PS. Case No.-87 Year-2022 Thana- SITAMARHI District- Sitamarhi

Brijpal @ Brijpal Singh @ Brijpal Jat Son of Dorgaji Resident of 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. Sanjay Sinha, Advocate
		Mr. Md. Fazle Karim, Advocate
For the Opposite Party/s	:	Mr. Sanjay Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 24-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
31.05.2022 in connection with Sitamarhi P.S. Case No. 87 of
2022, F.I.R. dated 04.02.2022 for the offences punishable under
Section 395 of the Indian Penal Code.

3. According to prosecution case, the informant went
at his duty and the accused persons including the petitioner
came and tied the hand, mouth and leg of the informant and
snatched his mobile phone and also committed theft from some
shops. It is also alleged that the fact of the accused persons were
covered.

4. Learned counsel for the petitioner submits that



petitioner is innocent and he has falsely been implicated in the present case. He further submits that petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of suspicion as well as confessional statement of co-accused namely, Jagdish Jat. He further submits that nothing has been recovered from the conscious possession or the house of the petitioner and till date no TIP has been conducted by the prosecution. He further submits that similarly situated, co-accused, namely, Rekha Devi and Kamlesh Kumari @ Kamlesh Devi @ Kushma Devi have been granted bail by this Court vide order dated 09.02.2023 passed in Cr. Misc. No. 57140 of 2022. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 31.05.2022.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries six criminal antecedents other than the present one but fairly submits that out of six cases petitioner is on bail in two cases as stated in para-3 of the bail petition.

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 the learned Chief Judicial Magistrate, Sitamarhi in connection with Sitamarhi P.S. Case No. 87 of 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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