

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39248 of 2023

Arising Out of PS. Case No.-36 Year-2022 Thana- GADHPURA District- Begusarai

Md. Rashid @ Laden @ Abdul Rashid Son of Late Md. Isamul Resident of
Village - Bahattar, P.S.- Hasanpur, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pranav Kumar, Advocate Mr. Bhubneshwar Mahto, Advocate Mr. Ajay Veer, Advocate
For the Opposite Party/s	:	Mrs. Asha Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since 18.05.2022 in connection with Gadhepura P.S. Case No. 36 of 2022, F.I.R. dated 02.04.2022 for the offences punishable under Sections 461, 379 of the Indian Penal Code and later on Section 411 and 414 of I.P.C. was added.

3. According to prosecution case, the informant Umesh Poddar in his written report stating therein that his Jewellery shop is situated in Shivamji Complex, Gadhapura Bazar and on 01.04.2022 in the night the theft was committed by Breaking shutter gate. It is further alleged that 150 grams of Gold, 4 kg. Silver and cash of Rs.15,000/- was stolen away.



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 confessional statement of co-accused namely, Shamsheer. He further submits that some ornaments were recovered from the house of the petitioner but the same belongs to the family members of the petitioner and the same is not put on TIP. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 18.05.2022.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that some looted article has been recovered from the house of the petitioner and petitioner carries three criminal antecedents other than the present one but fairly submits that the petitioner is on bail in all the 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, Begusarai in connection with Gadhapura
P.S. Case No. 36 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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