

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32938 of 2023**

Arising Out of PS. Case No.-140 Year-2022 Thana- KASIMBAZAR District- Munger

MD. RAJA Son of Md. Aftab Resident of Mohalla - Gulzar Pokhar, P.S.-
Kotwali, District - Munger.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jagdhar Prasad
For the Opposite Party/s : Mr.Rabindra Kumar

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 24-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Kasim
Bazar P.S. Case No. 140 of 2022 registered for the offences
punishable under Sections 457 and 380 of the IPC.

As per prosecution case, in the night of 20.05.2022
a theft was committed in the house of informant by some
unknown miscreants. It is further alleged that miscreants took
away several household articles alongwith some ornaments.

Learned counsel for the petitioner submits that
petitioner is not named in the FIR. His name has been surfaced
in the present case upon the confessional statement of co-
accused Md. Faiz. Except confessional statement of co-accused,
there is nothing on record to connect the present petitioner with



the alleged occurrence. He further submits that petitioner is in custody since 30.08.2022 and bears criminal antecedent of two cases. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that no incriminating article has been recovered from the conscious possession of the petitioner. He further submits that co-accused Md. Munna has already been granted bail vide Cr.Misc No. 14625 of 2023 by a co-ordinate Bench of this Court and the case of present petitioner stands on similar footing.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, co-accused has already been granted bail by a co-ordinate Bench of this Court, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, 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 C.J.M. Munger in connection with Kasim



Bazar P.S. Case No. 140 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

vashudha/-

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