

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36436 of 2023

Arising Out of PS. Case No.-158 Year-2022 Thana- BHAGWAN BAZAR District- Saran

Shubham Chaurasiya S/O Vinod Chaurasiya R/O Village- Sirsiya No. 1, P.S-
Rampur Karkhana, Dist.-Deoria (U.P)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shanti Bhushan Singh

For the Opposite Party/s : Mr. Binod Kumar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 05-07-2023 Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with

Bhagwan Bazar P.S. Case No. 158 of 2022, registered for

the offences punishable under Section 395 of the Indian

Penal Code.

The prosecution case as emerging from the FIR is

that on 28.03.2022 at about 02:10 P.M. six unknown

miscreants entered into the shop of the informant and looted

away ornaments of diamond and gold from the drawers and

showcase on the point of pistol.

Ld. counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner has not been named in the FIR and no recovery has been made from the conscious possession of the petitioner. He also submits that no TIP has been conducted till date. He further submits that other accused persons, namely, Anurag Singh, Raju Kumar, Sachidanand Yadav and Shubham Singh have already been enlarged on bail by a co-ordinate Bench of this Court vide order dated 24.03.2023 passed in Cr. Misc. No. 55565 of 2022, Cr. Misc. No. 63334 of 2022, Cr. Misc. No. 69534 of 2022 and Cr. Misc. No. 72857 of 2022.

He further submits that the petitioner has been languishing in jail since 10.04.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in one other case.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently



opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. concerned Trial Court in connection with Bhagwan Bazar P.S. Case No. 158 of 2022, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court



below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bond of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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