

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40171 of 2023**

Arising Out of PS. Case No.-119 Year-2023 Thana- MUFFASIL District- Aurangabad

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DHANANJAY KUMAR @ DHANJAY KUMAR Son of Vijay Ram Resident
of village - Karma Bhagwan, P.S.- Muffasil, District - Aurangabad, Bihar.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Rupa Kumari, Advocate
For the Opposite Party/s : Ms. Anita Kumari, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 14-07-2023 Heard the parties.

The petitioner is in custody in connection with Muffasil P.S. Case No. 119 of 2023 for the offence under Sections 457 and 380 of the Indian Penal Code lodged on 21.03.2023 by the informant, Rajendra Prasad.

The prosecution case, in brief, is that on 19/20-03-23, at night, some unknown thieves entered in the room of daughter in-law of the informant and took away her gold ornaments and other articles worth Rs. 1,50,000. It has further been alleged that on 21/03/23, in the morning during search, the informant came to know that the theft articles was lying in the wheat field of Indal Paswan wrapped in a curtain. Thereafter, the informant



took the articles and brought it to the police station. The informant further alleged that the said curtain belonged to Bhagwan Sao and his sons namely, Durga Sao and Bhola Sao have committed theft of the articles in the informant's house. Accordingly, the F.I.R.

It has been contended by the learned counsel for the petitioner that the theft articles were found in the wheat field of Indal Paswan and the informant took the same to the police station with further suspicion that the curtain in which the ornaments were wrapped belonged to Bhagwan Sao and thus, his son, namely, Durga Sao and Bhola Sao have committed theft. Further, his name has come in the confessional statement of Bhola Sao.

The last submission is that despite being in custody since 21.03.2023 (as stated in paragraph 4 of the petition) , no T.I. parade has done till date.

Learned APP opposes the prayer stating that that his name has come in the confessional statement of Bhola Sao.

Taking into account the aforesaid submissions put forward by the learned counsel for the petitioner as also the fact that no T.I. has done and do not have criminal antecedent, is a young boy of 23 years, this Court is inclined to extend him the



privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned C.J.M, Aurangabad, Bihar, in connection with Muffasil P.S. Case No. 119 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.



With the aforesaid observations, the application is
allowed.

(Rajiv Roy, J)

Jagdish/Kiran/-

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