

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.40374 of 2023**

Arising Out of PS. Case No.-710 Year-2022 Thana- BIHAR District- Nalanda

Manish Kumar @ Manish @ Chikara S/O Late Mahesh Choudhary R/O  
Village- Banaulia, P.S- Bihar, Distt.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Bishwa Bijay Kumar, Advocate  
For the Opposite Party/s : Mr. Madhuri Lata, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      17-08-2023                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since 10.03.2023 in connection with Bihar P.S. Case No. 710 of 2022, F.I.R. dated 28.09.2022 for the offences punishable under Sections 457, 380 of the Indian Penal Code but the police submitted the charge sheet under Sections 457, 380, 411 of the Indian Penal Code.

3. According to prosecution case, in brief is that the informant Asad Aftab gave a written application stating therein that on 27.09.2022 in the night at about 1:00 O'clock to 2:00 O'clock, unknown thief entered in his house and committed theft of Rs.80,000/- and one mobile phone. After search, the theft articles could not be traced out.



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 the 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, Vikash Kumar and nothing has been recovered from the conscious possession or the house of the petitioner rather the recovery has been made from the co-accused namely, Vikash Kumar and the petitioner has not concern at all with the co-accused person. He further submits that except the confessional statement of co-accused Vikash Kumar which was recorded in paragraph no.53 of the case diary, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence and till date no TIP has been conducted by the prosecution. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 10.03.2023.

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 three criminal antecedents other than the present one but fairly submits that out



of three cases petitioner is on bail in two cases.

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 I/C Chief Judicial Magistrate, Nalanda, Bihar Sharif in connection with Bihar P.S. Case No. 710 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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