

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40271 of 2023

Arising Out of PS. Case No.-78 Year-2023 Thana- MAHESHKHUNT District- Khagaria

MD SAJAN S/O LATE FAYAJUDDIN R/O VILLAGE- GAFUR TOLA
PAKRAIL, PS. MAHESHKHUNT, DIST. KHAGARIA, (BIHAR)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : None.

For the Opposite Party/s : Ms. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 14-07-2023 No one appears on call, although the learned APP is present.

The petitioner is in custody in connection with Maheshkhunt P.S. Case No. 78 of 2023 for the offence under Section 414 of the Indian Penal Code lodged on 13.04.2023 by the informant, Sintu Kumar.

As per the petition, allegation is that the petitioner sold the alleged tempo to the accused Brishan Kumar, purchased from co-accused Firoz Kumar which was a stolen property and Khagaria P.S. Case No. 549 of 2022 was lodged. Accordingly, the F.I.R.

Learned counsel for the petitioner submits that the petitioner is in custody since 14.04.2023 (as stated in paragraph 10 of the petition) and do not have any criminal antecedent.



Further, one of the co-accused Brishan Kumar has since been released on bail vide Cr. Misc. No. 38386 of 2023 on 15.06.2023 by a co-ordinate Bench.

Learned APP opposes the prayer for bail.

In the aforesaid background, 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 Judicial Magistrate, 1st Class, Khagaria, in connection with Maheshkhunt P.S. Case No. 78 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 fortnight for six months 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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