

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40692 of 2023**

Arising Out of PS. Case No.-77 Year-2023 Thana- BIHARIGANJ District- Madhepura

MD IMRAJ @ FIROJ S/O MD. SHAHID R/O VILLAGE- JHITKIYA,
WARD NO. 6, PS. SINGHESHWAR, DIST. MADHEPURA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Sanjay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is an accused in connection with Bihariganj P.S. Case No. 77 of 2023 registered for the offences under section 380 of the Indian Penal Code lodged on 04.04.2023 by the informant, Dhiraj Kumar.

The prosecution story, in brief, is that the informant is Coordinator of Kaushal Vikash Kendra, Hathiaundha which is running in the building of Rajive Kumar situated in front of 'Maveshi Hospital'. In the mid-night of 3/4/2023 the thieves, by breaking the lock of gate of the 'Kaushal Vikash Kendra',



committed theft and taken away 21 Lap-top, 6 Battery, 10 Mobile Phones, D.V.R of C.C.T.V Camera, important documents and a cash of Rs. 10000/-. They also broke the lock of gate of the house of owner Rajive Kumar and took away various ornaments and cash worth about Rs. 4 lakhs. The house owner with his family had gone outside and has expressed suspicion that some students might have committed this occurrence. Accordingly, the FIR.

Learned Counsel for the petitioner submits that the FIR was against unknown, subsequently, during the investigation name of Vinod Bhagat and Md. Shakil cropped up. The police raided their houses and recovered the looted articles and further on their confession, the name of the petitioner came up. However, nothing incriminating recovered from his possession and has already remained in custody since 22.04.2023 (as stated in paragraph 4 of the bail application) and do not have criminal antecedent.

Learned APP for the State, on the other hand, opposes the prayer for bail.

Taking into account the aforesaid facts as also the period of custody and further that his name has come in the confessional statement and nothing has been recovered from his



conscious possession, this Court is inclined to extend him privilege of bail.

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 the learned S.D.J.M., Udakishunganj, Madhepura in connection with Bihariganj P.S. Case No. 77 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 *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 next one year to mark 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 his 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 the bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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