

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44267 of 2023

Arising Out of PS. Case No.-220 Year-2022 Thana- SITAMARHI District- Sitamarhi

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BRIJPAL @ BRIJPAL SINGH @ BRIJPAL JAT SON OF DORGAJI @
DUNGA G RESIDENT OF DHANUPURA, P.S. - KADAR CHOWK,
DISTRICT - BADAUN (UTTAR PRADESH)

... .. Petitioner/s

Versus

THE STATE OF BIHAR, PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md Fazle Karim, Adv.

For the Opposite Party/s : Mr.Yogendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 23-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Sitamarhi
P.S. Case No. 220 of 2022 registered for the offence under
Sections 461 and 379 of the Indian Penal Code.

The case relates to commission of theft in the jewelry
shop of the informant from which ornaments worth Rs. 20-22
lakhs and cash of Rs. 50000/- have been stolen by the unknown
miscreants.

Learned counsel appearing 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 F.I.R., however, his name transpired in this case
during course of investigation on the basis of his confessional



statement which was recorded in connection with Sitamarhi P.S. Case No. 225 of 2022 after being apprehended in the aforesaid case and thereafter he has been remanded in the present case. He further submits that nothing has been recovered from the conscious possession of the petitioner nor any T.I.P. has been conducted by the prosecution till date. Save and except the confessional statement of the petitioner, no cogent material has surfaced during course of investigation suggesting the involvement of the petitioner in the alleged occurrence. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 30.04.2022.

Learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries six cases other than the present one according to the paragraph-3 of the petition but he fairly submits that out of six cases, the petitioner has been allowed bail in two cases. Apart from that the petitioner has been a member of gang involved in the committing loot and dacoity.

Considering the facts and circumstances of the case and the period of custody, let the, above named, petitioner 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 learned Chief Judicial Magistrate, Sitamarhi in



connection with Sitamarhi P.S. Case No. 220 of 2022 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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