

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56028 of 2023

Arising Out of PS. Case No.-60 Year-2022 Thana- CHACKMEHSI District- Samastipur

AJAY KUMAR S/O BINOD SAH R/O VILLAGE- MIRZAPUR, P.S.-
AHIYAPUR, DISTRICT- MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aprajita, Advocate

For the Opposite Party/s : Mr.Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Chakmeshi P.S. Case No. 60 of 2022 for the offence punishable under Sections 461, 379 of the Indian Penal Code lodged on 14.4.2022 by the informant, Nand Kumar Thakur.

As per the prosecution story, the allegation is that unknown miscreants committed theft of ornaments worth Rs. 10 lakh and a cash of Rs. 5 lakh from the house which led to lodging of the FIR.

It is the case of the petitioner that his name has come in the confessional statement of Surendra Thakur alleging that he used to purchase stolen articles. Accordingly, he is in custody since 20.5.2023 (para-7 of the petition).

Learned APP opposes the prayer but concedes that he



has criminal antecedent.

Taking into account the aforesaid submission put forward by the learned counsel for the petitioner, is in custody since 20.5.2023, his name has come in the confessional statement of Surendra Thakur, this Court is inclined to extend him the privilege of bail only after framing of the charge because he has criminal antecedent.

Let the petitioner be released on bail only after framing of the charge 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, Samastipur, in connection with Chakmeshi P.S. Case No. 60 of 2022 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 fortnight for next 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 bail application is allowed.

(Rajiv Roy, J)

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