

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49926 of 2023

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

MD. SHAKEEL @ SAKIL SON OF MD. NIJAMUDDIN @ MD. NIJAM
RESIDENT OF VILLAGE- JHITKIYA, WARD NO. 6, PS-
SINGHESHWAR, DISTT- MADHEPURA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 18-08-2023

Heard the parties.

The petitioner is in custody in connection with Bihariganj P.S. Case No. 77 of 2023 for the offence under section 380 of the Indian Penal Code lodged on 04.04.2023 by the informant, Dheeraj 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 'Veterinary 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 took away 21 Lap-tops, 6 Batteries, 10 Mobile Phones, D.V.R. of C.C.T.V. Camera, important documents as also cash of Rs. 10,000/-.

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 F.I.R.

Learned counsel for the petitioner submits that his name has come in the confessional statement of Md. Imraz @ Firoz who has since been granted bail by this Court vide Cr. Misc. No. 40692 of 2023, has remained in custody since 22.04.2023 (as stated in paragraph 4 of the petition) and do not have criminal antecedent.

Learned APP opposes the prayer for bail stating that his name has also cropped up alongwith Md. Shakil.

Considering the facts on record as also that his name has come in the confessional statement of Md. Imraz @ Firoz who has since been granted bail, as stated above and he do not have criminal antecedent, 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) each with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, 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/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 month for one year 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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