

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50712 of 2023

Arising Out of PS. Case No.-525 Year-2022 Thana- DIGHA District- Patna

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Suraj Kumar @ Gobha @ Suraj S/O Sri Kundan Rai R/V- Nakta- Diara, P.S-
Digha, Distt.- Patna At Present Resident Of Village- Awadhpur Colony, Road
No. 23, Mica Colony, P.S- Digha, Distt.- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Braj Kishore Pd.(APP)

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
23.03.2023 in connection with Digha P.S. Case No. 525 of 2022,
F.I.R. dated 10.08.2022 for the offences punishable under
Section 379 of the Indian Penal Code.

3. According to prosecution case, in brief, is that the
informant namely, Dilip Kumar has alleged that his scooty
which is standing in front of Himalayan Public School has been
stolen by three unknown persons and thereafter the CCTV
Camera of the said school was checked in which it was detected
that three boys were fleeing away with his scooty towards Bata
Digha.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the



present case. He further submits that petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of confessional statement of co-accused namely, Tuntun Kumar @ Ijjat. He further submits that nothing has been recovered from the conscious possession or the house of the petitioner. He further submits that except the confessional statement of co-accused namely, Tuntun Kumar @ Ijjat no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that similarly situated, co-accused, namely, Tuntun Kumar @ Ijjat has been granted bail by the court of learned Additional Sessions Judge-XXIV, Patna on 16.12.2022 in B.P. No. 2086 of 2022. The petitioner is in judicial custody since 23.03.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries seven criminal antecedents other than the present one but fairly submits that petitioner is on bail in all the cases as stated in para-3 of the bail petition.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned A.C.J.M.- XIII, Patna in connection with Digha P.S. Case No. 525 of 2022, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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