

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51549 of 2023

Arising Out of PS. Case No.-38 Year-2020 Thana- KOCHADHAMAN District- Kishanganj

SURAJ SAH SON OF DINESH PRASAD SAH RESIDENT OF VILLAGE-
BIRPUR PALASMANI, PS- BAHADURGANJ, DIST- KISHANGANJ

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Adv.

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-08-2023 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner, who is in custody since 09.06.2023 seeks
bail, in connection with Kochadhaman P.S. Case No.38/2020,
dated 01.02.2020, for the offences punishable under Sections
461, 379 and 411 of the IPC.

3. According to prosecution case, some unknown thief
entered into the shop of the informant by cutting the top tin and
stolen goods worth Rs. 2 lacs.

4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case. He
further submits that the petitioner is not named in the F.I.R. The
name of the petitioner has been transpired during investigation
on the basis of confessional statement of the co-accused namely



Manik Kumar. He further submits that nothing has been recovered from conscious possession or the house of the petitioner rather the recovery has been made from the co-accused. He further submits that till date no T.I.P has been conducted by the prosecution and the petitioner is in custody since 09.06.2023.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner has carried one criminal antecedent other than the present one, in which he is on bail.

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 C.J.M., Kishanganj in connection with Kochadhaman P.S. Case No.38/2020, 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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