

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53885 of 2022

Arising Out of PS. Case No.-480 Year-2020 Thana- MAKHDUMPUR District- Jehanabad

Suraj Kumar, Son of Ramakant Prasad Resident of Village - V.I.P. Gali Tehta,
P.S.- Makhdumpur (Tehta O.P.), District - Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 22-02-2023 Learned counsel for the petitioner is permitted to remove the defect(s), if any, as pointed out by the office, within a period of four weeks from today.

At the outset, learned counsel for the petitioner seeks permission to make necessary corrections in paragraph no. 1 of the application during course of the day.

Permission is accorded.

Heard Mr. Ashok Kumar, learned counsel for the petitioner and Mr. Arun Kumar, learned Additional Public Prosecutor for the State.

The petitioner seeks regular bail, who is in custody in connection with Makhdumpur (Tehta OP) P.S. Case No. 480 of 2020, registered for the offences punishable under Sections 461/379 of the Indian Penal Code.



It is alleged that on 21.12.2020 some unknown thief entered into the house of the informant and committed theft of valuable goods, including gold ornaments, cash and mobile phones etc.

It is submitted on behalf of the learned counsel for the petitioner that the FIR has been instituted against unknown persons and the name of the petitioner has surfaced on suspicion. He next submits that in fact only on account of the past three criminal antecedents, the name of the petitioner has been implicated in this case despite there being no material collected during the course of investigation. Learned counsel further submits that the petitioner has neither been put on Test Identification Parade nor any incriminating material has been recovered from the possession of the petitioner. He further submits that one of the co-accused having identical allegation has been allowed privilege of bail by this Court in Cr. Misc. No. 60023 of 2021 *vide* order dated 12.04.2022, copy of which has been brought on record by way of Annexure-2 to the application. He next submits that so far the other three cases are concerned which have been mentioned in paragraph no. 3 of the bail application, in all the cases the petitioner is on bail, moreover, he is in custody since 28.02.2022.



On the other hand, learned counsel for the State opposed the bail application and submits that the petitioner appears to be a habitual offender as he is found involve in three other criminal cases of identical nature.

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner is in custody since 28.02.2022 but till date he has not been put on Test Identification Parade, apart from the fact that nothing has been recovered from his possession and, moreover, one of the co-accused persons having identical allegation has been allowed privilege of bail, let the petitioner abovenamed be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jehanabad, in connection with Makhdumpur (Tehta OP) P.S. Case No. 480 of 2020, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.



(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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