

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54558 of 2023

Arising Out of PS. Case No.-34 Year-2023 Thana- KHODAWANDPUR District- Begusarai

SANTOSH KUMAR SAH S/O- LATE SURAJ SAH R/O- VILLAGE-
BHAGWANPUR CHAKSEKHU WARD NO.- 06, P.S.- DALSINGSHARAI,
DIST- SAMSTIPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR, PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Randhir Kumar No.1, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-08-2023 Heard the parties.

The petitioner is in custody in connection with Khodawandpur P.S. Case No. 34 of 2023 for the offence under sections 457, 380 of the Indian Penal Code lodged on 26.01.2023 by the informant, Chandrabhushan Das.

As per the prosecution story, the allegation is that he locked the temple and when came back in the early morning, found the lock to be broken and the temple articles were missing. Accordingly, the FIR.

Learned counsel for the petitioner submits that his name has come in the confessional statement of the Chhotu Sah, Rohan Kumar and Md. Meraj, has no connection with the alleged occurrence and only because of his criminal antecedent,



has been dragged in this case.

The further submission is that though, his name has come, no stolen article has been recovered from his conscious possession, has remained in custody since 02.05.2023 (as stated in paragraph 15 of the petition).

Learned APP opposes the prayer for bail stating that his name has come in the confessional statement.

Considering the submissions put forward by the learned counsel for the petitioner, his name has come in the confessional statement, nothing has been recovered from his possession, is in custody since 02.05.2023, 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 S.D.J.M. Manjhaul, Dist- Begusarai, in connection with Khodawandpur P.S. Case No. 34 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 fortnight for 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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