

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55279 of 2022

Arising Out of PS. Case No.-70 Year-2019 Thana- CHAKAI District- Jamui

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Rajesh Hazra @ Rajesh Paswan S/o Late Rameshwar Hazra Resident of
Village- Palniya Tari, P.S.- Simultalla, District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay

For the Opposite Party/s : Mr. Sunil Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 24-02-2023 Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with Chakai

P.S. Case No. 70 of 2019, registered for the offences

punishable under Sections 395 and 397 of the Indian Penal

Code.

The prosecution case as emerges from the FIR is

that on 04.05.2019, at midnight, 7-8 miscreants broke into

the house of the informant from the back door and looted

cash, amounting to Rs. 2,01,000/-, ornaments, utensils, TV,

water motor, and other valuable articles. It is also alleged

that they assaulted the father of the informant with knife.



Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner is a handicap and he is not named in the FIR because the FIR has been lodged against unknown persons. He also submits that the alleged recovery is not the case property which has been allegedly looted because there is no description of the property which has been subject matter of the offence and the alleged recovery from the possession of the petitioner is his own property.

He further submits that the petitioner has been languishing in jail since 25.06.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in ten other cases.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.



Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. in connection with Chakai P.S. Case No. 70 of 2019 on, **after framing of charge, if not already framed**, subject to the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court



below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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