

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57509 of 2023

Arising Out of PS. Case No.-462 Year-2021 Thana- BANIAPUR District- Saran

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Brij Kishore Kumar Son of Suraj Lal Singh Resident of Village- Sipaha Khas,
Ps- Majhagarh, Distt- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Avnish Kumar Singh

For the Opposite Party/s : Mr. Anant Kumar 1

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 08-09-2023 Heard Ld. counsel for the petitioner and learned APP for
the State.

2. The petitioner seeks bail in connection with Baniyapur
P.S. Case No. 462 of 2021, registered for the offence punishable
under Sections 395 of the Indian Penal Code.

3. The prosecution case as emerging from the FIR is that
the on 28.11.2021 at about 01:00 am, 12-13 unknown persons
broke into the house of the informant and looted cash,
ornaments, clothes and mobile phone, and while leaving, they
threatened him not to disclose the occurrence to anyone.

4. Ld. counsel for the petitioner submits that the petitioner
had moved this Court earlier for regular bail vide Cr. Misc. No.
39056 of 2022, which was rejected with an observation that if
the trial is not concluded within six months, the petitioner will
have liberty to renew his prayer for bail. He further submits that



since the trial has not been concluded within the stipulated time, the petitioner, vide present application, has renewed his prayer for bail. He further submits that trial is still not concluded and only charge has been framed and not a single witness has been examined.

6. Considering the aforesaid facts and circumstances, particularly the fact that the trial has not yet been concluded, **this application is allowed**, directing the petitioner, above named, to be enlarged on bail on his furnishing bail bond in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court Below/Trial Court in connection with Baniyapur P.S. Case No. 462 of 2021, subject to the condition that **if the submission of Ld. counsel for the Petitioner regarding the stage of Trial is found to be false, Ld. court below will not accept the bail bond** and further on 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 hamper 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 any criminal antecedent, Ld. court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

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

7. 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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