

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56988 of 2022

Arising Out of PS. Case No.-36 Year-2022 Thana- GADHPURA District- Begusarai

Shamsher Alam S/o Md. Modasasir, Resident of Village- Rahul Nagar, P.S.-
Garhpura, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nakul Kumar Jamuar, Adv.

For the Opposite Party/s : Mr. Shaheen Begum, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 21-02-2023 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Garhpura P.S. Case No. 36 of 2022, lodged under Sections 461,
379, 411, 414 of the Indian Penal Code.

As per prosecution case, the F.I.R. has been filed
against unknown accused persons, in which, allegation of theft
of jewellery and silver as well as cash and goods were the
subject matter of theft, price of which are more than lacs.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He further
submits that no TIP has been made. He also submits that some



goods have been recovered from the possession of petitioner, which transpires from the seizure list but the TIP of the said goods has not been taken place. Learned counsel submits that there are 2 criminal cases pending against the petitioner and he is on bail in both the cases. He further submits that petitioner is in custody since 19.05.2022 and the offences in which F.I.R. has been lodged are magisterial triable.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Begusarai in connection with Garhpura P.S. Case No. 36 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.



B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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