

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62140 of 2023

Arising Out of PS. Case No.-17 Year-2023 Thana- BARAUNI District- Begusarai

GUHNA NISHAD @ POLINDRA NISHAD S/O CHHEDI NISHAD R/O
VILLAGE- WARD NO. 10, MALAHIPUR (BIND TOLI), PS. BARAUNI
(CHAKIYA OP), DIST. BEGUSARAI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 26-09-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Barauni (Zero Mile) P.S. Case No. 17 of 2023 dated
10/11.01.2023 registered for the offence under Sections 379
of the Indian Penal Code.

The case relates to commission of theft of two
batteries of Tower and the petitioner is booked with the
allegation of commission of theft.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case on the basis of disclosure made by the
co-accused, Pankaj Nishand. He further submits that nothing



incriminating has been recovered from the house or conscious possession of the petitioner. Save and except the confessional statement of the co-accused, no cogent material has surfaced during course of investigation suggesting the involvement of the petitioner in the alleged occurrence. Moreover, co-accused, Pankaj Nishad has already been granted bail by a co-ordinate Bench of this Court vide order dated 18.05.2023 passed in Cr. Misc. No. 21087 of 2023. The petitioner is rotting in judicial custody since 11.07.2023.

Learned A.P.P. for the State on the basis of material available on record vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one but he is on bail in both the cases.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Barauni (Ziro Mile) P.S. Case No. 17 of 2023 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall



be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that 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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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