

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 60339 of 2022**

Arising Out of PS. Case No.-258 Year-2022 Thana- BARGAINIA District- Sitamarhi

JAY CHANDRA RAI S/o Late Raghuvir Yadav @ Bira Rai R/o Village-
Masaha Alam, Ward no. 3, P.S.- Bairgania, Distt- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms Nitu Kumari, Advocate

For the Opposite Party/s : Ms Meena Singh, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 24-01-2023

Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for brevity, **APP**) appearing for the State of Bihar.

The petitioner seeks bail in Bairgania Police Station (for brevity, **PS**) Case No 258 of 2022 registered for the offence punishable under Sections 457, 380, 511 of Indian Penal Code.

The petitioner has been apprehended while attempting to commit a burglary in the informant's house.

It is submitted by the petitioner's counsel that the petitioner in fact was supplying milk to the informant and over a trivial dispute, he has been implicated in this case. Apart from one case under the Excise Act, there is no antecedent of the petitioner. He is in custody in this case since 07.09.2022. Even as per allegation, no theft or burglary has actually been committed.

Learned APP has opposed the prayer for bail.

Having considered the rival submissions, period of custody, manner of implication and the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer



for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Sitamarhi in Bairgania PS Case No 258 of 2022 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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