

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68140 of 2023

Arising Out of PS. Case No.-318 Year-2023 Thana- CHIRAIYA District- East Champaran

Chandan Thakur Son Of Girjanandan Thakur Vill. Pataura Bankat Ps.
Mufassil Dist. East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 18-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Chiraiya P.S. Case No. 318 of 2023 dated 01.07.2023, lodged
under Section 392 of the I.P.C.

3. As per the prosecution case, the F.I.R. has been
lodged against unknown accused persons.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
submits that the name of the petitioner has figured in this case
by virtue of the confessional statement of co-accused who has
disclosed that he has provided looted mobile phone to the
petitioner.

5. Learned counsel for the petitioner further submits

that from the confessional statement, it transpires that the petitioner is not involved in the loot but it is true that he has been provided the said mobile by one of the co-accused which has been recovered from his possession. Counsel further submits that the antecedent of the petitioner is clean and he is in custody since 06.08.2023. Counsel further submits that the case in which the petitioner has been charged is basically magisterial triable in nature.

6. Learned counsel for the State opposes the prayer for bail and submits that the antecedent of the petitioner is clean.

7. 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 Only) with two sureties of the like amount each to the satisfaction of learned C.J.M., East Champaran, Motihari in connection with Chiraiya P.S. Case No. 318 of 2023, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date

before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

8. With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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