

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70913 of 2022

Arising Out of PS. Case No.-710 Year-2021 Thana- SASARAM NAGAR District- Rohtas

Krishna Kharwar Son of Jhangur Kharwar @ Chhangur Kharwar R/v-
Barahuli, P.S.- Mohaniya, District- Kaimur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mithilesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Section 379 of the Indian Penal
Code.

The F.I.R. of the occurrence of theft is against
unknown.

Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case. He further submits that the petitioner is not named
in the F.I.R. and the name of the petitioner has been transpired
during investigation on the basis of the self confessional
statement of the petitioner in Bhabhua (T) P.S. Case No. 492 of
2021. He further submits that nothing has been recovered from



the possession of the petitioner rather recovery has been made from the house of co-accused Chandan Patel and except the self confessional statement of the petitioner, no cogent material has come during investigation against the petitioner and the petitioner is in custody since 16.07.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries four more cases other than the present one but fairly submits on the basis of paragraph-3 of the petition that the petitioner is on bail in all the cases.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Sasaram (T) P.S. Case No. 710 of 2021, 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.



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

(3) 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 antecedents, 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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