

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70861 of 2023

Arising Out of PS. Case No.-847 Year-2023 Thana- SHERGHATI District- Gaya

Mithilesh Chaudhary Son Of Arjun Chaudhary Village- Shumali Ps- Sherghati
Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Javed Jafar Khan, Advocate

For the Opposite Party/s : Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Sherghati P.S. Case No.847 of 2023, lodged on 01.08.2023,
under Section 379 of the I.P.C.

3. As per the prosecution case, the FIR has been
lodged against sole petitioner alleging that he has committed
theft of bag from the vehicle of the informant in which Samsung
Mobile, Aadhar Card, Driving License, A.T.M. Card of SBI,
Gold Mangalsutra and cash of Rs.5000/- was there. In the FIR it
has been alleged that the petitioner was shown doing some
suspicious activity whose picture was also arrested in the CCTV
and on the basis of which he was identified.

4. Learned counsel for the petitioner submits that



nothing incriminating was recovered from the possession of the petitioner except Rs.5,000/- from the bedroom of the petitioner. Test Identification Parade has not been conducted in this case. There is one criminal antecedent in which he is on bail.

5. Learned counsel for the State opposes the prayer for bail and submits that petitioner was identified in the CCTV and looted Rs.5,000/- has been recovered from his house as per the seizure list but he agrees that the case is magisterial triable.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner, above named, be released on bail **only after framing of the charge** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Sherghati, Gaya, in connection with Sherghati P.S. Case No.847/2023, subject to the 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.

(Dr. Anshuman, J)

Mkr./-

U		T	
---	--	---	--

