

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2051 of 2023

Arising Out of PS. Case No.-431 Year-2020 Thana- DIGHA District- Patna

SIKANDAR @ MD. SIKANDAR Son of Md. Anwar Resident of Jagira Muslim Tola, P.S.- Pipra, District- Motihari, At present Gandhi Maidan Tempu Stand, P.S.- Gandhi Maidan, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kr Singh No.1, Adv.

For the Opposite Party/s : Mr.Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 10-05-2023 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

A supplementary affidavit, carrying out necessary correction in the main application, has been filed on behalf of the petitioner, which forms part of this application.

The petitioner seeks bail in connection with Digha P.S. Case No. 431 of 2020 dated 16.08.2020 registered for the offence under Sections 457 and 380 of the Indian Penal Code.

The case relates to commission of theft in the house of the informant.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been



implicated in this case on the basis of cctv footage. He further submits that, in fact, nothing has been recovered from the conscious possession of the petitioner. He further submits that after registration of the present case, the petitioner has been remanded in connection with Digha P.S. Case No. 346 of 2020. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 20.08.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one.

Considering the facts and circumstances of the case and also the fact that nothing has been recovered from the possession of the petitioner and the period of custody, 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, Patna in connection with Digha P.S. Case No. 431 of 2020 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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