

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73319 of 2023

Arising Out of PS. Case No.-80 Year-2023 Thana- SIKTA District- West Champaran

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WAHID JAMA @ LAL BABU Khaliku Jama R/O Village- Jhumka, P..S. -
Sikta, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-11-2023 Heard the parties.

2. The petitioner is an accused in connection with Sikta P.S. Case No. 80 of 2023 registered for the offences under sections 457 and 380 of the Indian Penal Code lodged on 12.07.2023 by the informant, Rambilash Sah.

3. As per the prosecution story, the informant alleged that while he was sleeping, the mobile phones as also Rs. 35,000/- were stolen by the accused persons. He alleged that the same occurrence took place earlier with his neighbour where also the mobile phones were stolen alongwith the cash. Accordingly, the FIR.

4. Learned Counsel for the petitioner submits that the recovered mobiles from him does not match with the stolen mobiles and he has already suffered because he has criminal



antecedent.

5. Learned APP for the State, on the other hand, has taken this Court to the order sheet of the learned Session Judge to show that there has been recovery of the mobile from the co-accused. He further submits that he has criminal antecedent of the same nature.

6. Taking into account the submissions put forward by the parties as also the fact that he is in custody since 15.07.2023 (as stated in paragraph 10 of the bail application), in view of the fact that he has criminal antecedent of same nature, this Court is inclined to extend him privilege of bail but only after framing of the charges.

7. Let the petitioner be released on bail after framing of the charges on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Bettiah, District-West Champaran in connection with Sikta P.S. Case No. 80 of 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 bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

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

(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 his bail bonds.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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