

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77062 of 2023

Arising Out of PS. Case No.-408 Year-2023 Thana- RAJGIR District- Nalanda

Indal Kumar Son Of Suresh Sah Resident Of Village - Hiramia, P.S. - Rosra,
District - Samastipur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raja Ram Mishra

For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 05-12-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with Rajgir
P.S. Case No. 408/2023 registered for the offences punishable
under Sections 379 and 414 of the Indian Penal Code.

As per prosecution case, petitioner was
apprehended by some persons at Dharmashala. Thereafter police
party reached there and took petitioner into custody. On search,
One Samsung Keypad Mobile, along with other smartphones
and ornaments were recovered from possession of the petitioner.
On interrogation, petitioner disclosed name of ten persons. It is
further alleged that out of 10 persons, 7 were apprehended who
were sleeping in a hut behind Suryakund. From the apprehended
accused persons, huge quantity of articles were recovered.



Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner was merely a visitor of Malmaas Fair organized in Rajgir and he had gone there with his family members where some people took the petitioner into custody as a thief. Petitioner has nothing to do with the alleged recovery. No incriminating article has been recovered from conscious possession of the petitioner and he has become victim of circumstances. It is further submitted that seizure list has not been made as per law. Petitioner has been made accused in this case merely on basis of suspicion. Co-accused Arun Shah and others have already been granted bail by a co-ordinate bench of this Court vide Cr. Misc. No. 76427/2023 and case of present petitioner stands more or less on similar footing. Petitioner is in custody since 11.08.2023. Learned counsel orally submits that charge sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence. Petitioner bears criminal antecedent of one case in which he is on bail.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.



Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides and also taking into consideration the material available on record, 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 CJM, Biharshariff, Nalanda in connection with Rajgir P.S. Case No. 408/2023 , subject to the following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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