

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74066 of 2022

Arising Out of PS. Case No.-43 Year-2021 Thana- GOGRI District- Khagaria

MANOJ KUMAR @ MANOJ SAH Son of Sadho Sah R/V- Laxmipur, P.S-
Gogri, Dist- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jai Kishor Poddar, Advocate
For the Opposite Party/s : Mr. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-04-2023 Heard the parties.

The petitioner is in custody since 21.10.2022 in connection with Gogri P.S. Case No. 43 of 2021 under Section 461, 379 of the Indian Penal Code lodged on 24.01.2021 by the informant Nitish Kumar.

The prosecution case, in brief, is that Nitish Kumar informant gave a written application before the S.I. of Gogri P.S. alleging therein that on 23-01-2021 from guard room of Godown in the night unknown person removed cash Rupees of Rs.20,000/- (twenty thousand) as also the printer, Gas pipe and Gas stove, Invertor, Battery, Water motor, computer set from room and also damaged the C.C.T.V. Camera fixed in Godown of Informant.

Learned counsel for the petitioner submits that the



name of the petitioner has come in the confessional statement of Rajnish Kumar, and accordingly, he has been made to suffer.

It is his further submission that said Rajnish Kumar has already been enlarged on bail by a coordinate bench of this Court in Cr. Misc. No. 28004 of 2021 vide order dated 29.01.2022.

learned APP Mrs. Asha Kumari opposes the prayer stating that the petitioner has criminal antecedent.

Taking into account his period of custody, 21.10.2022 (as given in para-17 of the petition) as also the fact that his name has come in the confessional statement of Rajnish Kumar who has since been granted bail as also second similarly situated accused Sarvesh Kumar has already been released on bail by another coordinate bench of this Court in Cr. Misc. No. 17473 of 2022, this Court is inclined to grant him the privilege of bail with conditions:

Let the petitioner be released on bail, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate-Ist Class, Khagaria, in connection with Gogri P.S. Case No. 43 of 2021 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 one year to mark his 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 the 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.

With the aforesaid observations, the application is allowed.

(Rajiv Roy, J)

Ravi/
Alok/-

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