

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75309 of 2022

Arising Out of PS. Case No.-481 Year-2022 Thana- AHYAPUR District- Muzaffarpur

Rajnish @ Pawan S/o Laldeo @ Laldeo Rai @ Laldeo Ray Resident of
village- Dharmpur, P.S.- Bochahan, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pravin Kumar, Advocate

For the Opposite Party/s : Mr.Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 04-03-2023 Heard Mr. Pravin Kumar, learned counsel

appearing on behalf of the petitioner and Mr. Akshay Lal Pandit,

learned A.P.P. for the State, in virtual mode.

2. The petitioner who is in custody since 30.09.2022
seeks regular bail in connection with Ahiyapur P.S. Case No.
481 of 2022 for the offence punishable under Sections 457 and
380 of the Indian Penal Code.

3. The prosecution story, in brief, is that the informant
has lodged a written report alleging that on 07.05.2022, some
unknown thieves entered her house and stolen Rs. 42,000 cash,
ornaments and one Vivo V17 Pro mobile having sim nos.
7488525316 and 8521206761 belonging to the informant.

4. Learned counsel appearing on behalf of the
petitioner submitted that in course of investigation, the



petitioner was arrested and the stolen Vivo V17 Pro mobile was recovered from the possession of the petitioner without the sim cards as mentioned in the F.I.R. That apart nothing was recovered as alleged in the F.I.R. Charge sheet has already been submitted. The petitioner is in custody since 30.09.2022 having clean antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. He further submitted that from the order of the learned Additional Sessions Judge-II, Muzaffarpur, it appears that the stolen mobile phone of the informant was recovered from the possession of the petitioner and the petitioner has not been able to give any plausible reason in his defense.

6. Having heard the submissions of the rival parties and the allegation made in the F.I.R., petitioner has not denied the fact that the mobile phone was not recovered from his possession. The petitioner is in custody since 30.09.2022 having clean antecedent. Charge sheet has already been submitted. The trial is also not likely to be concluded in the near future, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.2,00,000/- (Rupees two lacs) with two sureties of the like amount each, who must be close family



members of the petitioner, to the satisfaction of the learned C.J.M., Muzaffarpur in connection with Ahiyapur P.S. Case No. 481 of 2022, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

7. Considering the age of the petitioner who is just 22 years old, he should not fall in bad company. The father of the petitioner is directed to make an affidavit declaring that he will be responsible in case the petitioner indulges in future in such illegal activities which are unwarranted.

8. The petitioner will make his attendance before the concerned police station under which his house is located every fortnightly at 9 AM in the morning till conclusion of the trial



and on any single default without any valid reasons on the part of the petitioner, his bail bonds shall be cancelled and the concerned SHO of the police station shall submit his monthly attendance report to the Superintendent of Police having jurisdiction.

(Purnendu Singh, J)

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