

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22018 of 2024

Arising Out of PS. Case No.-271 Year-2023 Thana- KALYANPUR District- Samastipur

Bhola Kumar @ Bhola Kumar Rai S/o Asheshar Rai R/o vill - Balhaiya, P.S. -
Piar, Distt - Muzaffarpur, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rahul Kumar Singh, Adv.

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 09-08-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in judicial custody in connection with Kalyanpur P.S. Case No. 271 of 2023 for the offence punishable under Section 457 and 380 of the IPC lodged on 05.09.2023 by the informant Lalbabu Kumar.

3. As per prosecution story, the informant alleged that while he was sleeping after taking dinner, the mobile phone and gold chain of his wife were stolen. It later came to their notice that there has been theft in the neighbourhood.

4. Learned counsel for the petitioner submits that he has clean antecedent and only because of recovery of the mobiles, he has been implicated. Alibi of the petitioner is that due to the same having been offered on lesser amount, he



purchased it little realizing that it would create problem for him.
He has remained in jail since 17.09.2023.

5. Learned APP opposes the prayer and submits that there is a recovery of mobiles.

6. Considering the fact that the petitioner has clean antecedent and is in custody since 17.09.2023, FIR is lodged and ultimately will face the trial, is ready to diligently appear in trial, this Court is inclined to extend him the privilege of bail with conditions. However, if it is found tat the petitioner contrary to the statement made in para-3 has criminal antecedent, the order shall become infructuous.

7. Let the petitioner named above 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 court of Sri. Jayprakash Kisku, JMFC -cum- Addl. Munsif, Samastipur in connection with Kalyanpur P.S. Case No. 271 of 2022 subject to the following conditions:

(i) one of the bailors 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 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;

(iv) 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.

(Rajiv Roy, J)

perwez

U		T	
---	--	---	--

