

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17743 of 2024

Arising Out of PS. Case No.-659 Year-2023 Thana- HAJIPUR SADAR District- Vaishali

Birju Kumar SON OF SURESH SAHNI RESIDENT OF VILLAGE-
PATEPUR, PS- KARTAHAN, DISTT- VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar, Adv.
For the Opposite Party/s : Mr.Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 14-03-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Hajipur Sadar P.S. Case No.659 of 2023 lodged under Section
392 of the I.P.C.

3. As per the prosecution case, the F.I.R. has been
lodged against three unknown accused persons against whom
there is allegation of snatching the motorcycle, cash of
Rs.98,770/-, a Tab and a mobile phone of the informant.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He submits
that the motorcycle which was subject to theft, has been
recovered from the possession of the petitioner, but petitioner
denied the said recovery on the ground that there is gross
violation in the recovery and provision of section 100 of Cr.P.C.
has been violated and not complied.

5. Counsel further submits that petitioner's antecedent



is not clean and there are 2 criminal cases pending against him in which he is on bail in one case and in another case, he is persuading for bail. He submits that petitioner is in custody since 26.09.2023.

6. Counsel also submits that the offence under which the petitioner has been charged, is magisterial triable in nature and he is ready to fulfill all the conditions whatsoever shall be imposed upon him.

7. Learned counsel for the State opposes the prayer for bail.

8. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, **after framing of charge, if not framed**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Hajipur in connection with Hajipur Sadar P.S. Case No.659 of 2023, subject to the following conditions as laid down under Section 437(3) of Cr.P.C. with other 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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

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

(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 the bail bonds.

9. However, the petitioner shall be granted bail only on being satisfied by the Trial Court that the petitioner is not absconding in any of the cases pending against him whose details are as follows:-

i. Goraul P.S. Case No.146 of 2020.

ii. Sadar(Kajipur) P.S. Case No.676 of 2023.

(Dr. Anshuman, J.)

Prakashmani/-

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