

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38630 of 2024

Arising Out of PS. Case No.-225 Year-2023 Thana- BRAHMPURA District- Muzaffarpur

Sajan Kumar, aged about 44 years, Male, son of Mahadev Bhagat, resident of villaage- Bochharpur, PS.- Dumra, Dist. -Sitamarhi, At Present Village and PS -Runnisaidpur, Dist-. Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Md. Iftekhhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 05-07-2024 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Brahampura PS Case No.225 of 2023 dated 24.09.2023, instituted for the offence punishable under Sections 379 of the Indian Penal Code.

3. The prosecution case, in short, is that the motorcycle of the informant was stolen by unknown persons from his shop situated at Juran Chapra, Main Road Chowk.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that the petitioner has been made accused only on the basis of confessional statement of Md.



Javed, who has been granted bail by this Court vide order dated 18.04.2024 passed in Cr. Misc. No. 23711 of 2024. It is further submitted that nothing has been recovered either from conscious possession or from the house of the petitioner. It is also submitted that after the confessional statement of Md. Javed, the petitioner has been made accused in ten other cases as mentioned in paragraph 3 of the bail petition. The petitioner was firstly apprehended in Brahampura PS Case No.229 of 2023 and thereafter he has been remanded in all other cases as mentioned in paragraph no.3 of the bail application merely on the basis of suspicion. Lastly, it is submitted that ten criminal cases are pending against the petitioner and he is in custody since 01.11.2023.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the J. M., 1st Class, East, Muzaffarpur, in Brahampura PS Case No.225 of 2023, subject to the conditions (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by



the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that 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.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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