

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40080 of 2024**

Arising Out of PS. Case No.-321 Year-2023 Thana- SOHSARAI District- Nalanda

Suraj Kumar @ Suraj Thathera S/O Mahesh Prasad R/O Mohalla- Mogal
Kuan Baulipar, P.O- Sohsarai, P.S- Sohsarai, Distt.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rana Baljit Singh, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 24-07-2024 Heard Mr. Rana Baljit Singh, learned counsel for the

petitioner and Mr. Umanath Mishra, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Sohsarai P.S. Case No. 321 of 2023, F.I.R. dated 15.11.2023 for the offences punishable under Section 379 of the Indian Penal Code.

3. According to prosecution case, it is alleged that the the petitioner along with one another co-accused person namely, Karu Thathera had stolen Rs. 1,10,000/- and one mobile phone from the house of the informant.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the



informant is the cousin brother-in-law of the petitioner and due to previous enmity the petitioner has been implicated in this case. He further submits that on perusal of the F.I.R, it appears that the date of occurrence is 12.11.2023 but the F.I.R is lodged on 15.11.2023, after delay of three days, afterthought only to falsely implicate the petitioner in this case. He further submits that in fact the petitioner was on medical treatment since 09.11.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent and he has been made accused on the basis of suspicion, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court of Judicial Magistrate 1st Class, Bihar Sharif, District-Nalanda in connection with Sohsarai P.S. Case No. 321 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-



i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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