

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40521 of 2024

Arising Out of PS. Case No.-49 Year-2024 Thana- BANIAPUR District- Saran

Vijendra Kumar @ Bijendra Kumar @ Ashish Son of Arvind Kumar R/O
Vill.- Nokhas Chauk, Purani Bajar, Ward no. 4, P.S.- Maharajganj, Dist.-
Siwan

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha

For the Opposite Party/s : Mr. Anil Prasad Singh

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 10-06-2024 Heard learned counsel appearing on behalf of

the petitioner and learned counsel appearing on behalf of

the State.

2. The petitioner seeks bail in connection with

Baniyapur P.S. Case No. 49 of 2024 registered for the

offence under Sections 461, 379 of the I.P.C.

3. The petitioner is not named in the F.I.R. and

is in custody since 08.03.2024.

4. The allegation against the petitioner is to

commit theft of three *ashtadhatu* made idols of

god/goddess Ram, Laxman, Sita and Krishna ji.



5. Learned counsel appearing on behalf of the petitioner submitted that the name of the petitioner appears in this case on the basis of suspicion out of his self confession, recorded by police. It is submitted that the basis of involvement in the present case is the recovery of broken metal idol of lord Ram from the house of the petitioner. Whereas, as per the confessional statement made before the police he accepted to be stolen the idol of lord *Laxman*. In view of the aforesaid facts and background it cannot be said that the alleged recovery of idol of lord Ram was made with furtherance of confessional statement of the petitioner. It is also submitted that the recovered *ashtadhatu* idol was not put on TIP as to connect the petitioner with alleged crime in questions. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.



6. Learned APP opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above and by taking note of the fact as alleged recovered idols was not put on TIP as to connect the petitioner *prima-facie* with crime in question, coupled with fact that charge-sheet has already been submitted, where petitioner is in custody since 08.03.2024, let the petitioner, above named, is directed to be released on bail in connection with Baniyapur P.S. Case No. 49 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C. with further conditions:-

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to



move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(Chandra Shekhar Jha, J)

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