

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44249 of 2024

Arising Out of PS. Case No.-136 Year-2023 Thana- KOCHADHAMAN District- Kishanganj

Meraj @ Guddu @ Md Meraj S/o Md Israil R/o Village- Manikpur, ward no.-
10, P.S.-Araria(Bairgachhi), District-Araria

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md Ziaul Quamar

For the Opposite Party/s : Mr.Ram Sumiran Rai

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 20-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Kochadhaman P.S. Case No. 136/2023 lodged on 05.06.2023
under Section 461/379 of the Indian Penal Code.

3. As per the prosecution case, F.I.R. has been lodged
against unknown accused persons against whom there is an alle-
gation of committing theft in panchayat government building
and stolen inverter, battery, printer, hard drive etc.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. Counsel also submits that the name of the petitioner has been figured in this case only by virtue of confessional statement of the accused. He further submits that nothing has been recovered from the possession of the petitioner nor T.I.P has been conducted. Counsel further submits that the criminal antecedent of the petitioner is not clean and there are nine cases pending against him in which he is on bail. The petitioner has been in judicial custody since 16.10.2023 and charge has already been framed. He further submits that the section in which the case has been lodged is triable by Magistrate.

5. Learned APP for the State opposes the prayer for bail and submits that antecedent of the petitioner is not clean.

6. 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 the charge is not framed yet* and on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate Kishanganj in connection with Kochadhaman P.S. Case No. 136/2023 subject to the condition laid down under Section 437(3) of the Cr.P.C. as well as the 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.

7. 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:-

- Kasba P.S. Case No. 187/2023
- Kasba P.S. Case No. 212/2023



- Kochadhaman P.S. Case No. 159/2023
- Kochadhaman P.S. Case No. 99/2023
- Kochadhaman P.S. Case No. 161/2023
- Kochadhaman P.S. Case No. 142/2023

(Dr. Anshuman, J)

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