

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49141 of 2024

Arising Out of PS. Case No.-109 Year-2024 Thana- LAURIA District- West Champaran

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Vakil Sah @ Wakil Sah @ Wokil Sah @ Vakeel Devan, S/o Late Kaiful Sah,
R/o village- Gonauli, P.S. - Lauriya, Distt. - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mrs. Rita Verma, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 21-09-2024 Heard Mr. Bimlesh Kumar Pandey, learned Advocate
for the petitioner and learned APP for the State.

2. The petitioner seeks regular bail, who is in custody in connection with Lauriya P.S. Case No. 109 of 2024 registered for the offences punishable under Sections 451, 380, 504, 506 of the Indian Penal Code.

3. Based upon the written report, the prosecution alleges that on 10.04.2024, the informant got an information from his co-villager that the petitioner along with one Aslam Sah have committed theft in his house and stolen various articles, including utensils, Gas stove and cylinder along with cash of Rs.25,000/-. When this fact has been brought before the *Mukhiya* and *Sarpanch*, they directed to return the stolen articles, thereafter the petitioner and co-accused started abusing



and tried to assault the informant by means of sword. It is further alleged that on 12.04.2024, the informant with the help of some villagers searched the house of the petitioner from where some of the stolen articles were recovered.

4. Learned Advocate for the petitioner contended that the F.I.R. is based upon the typed copy of the written report, which clearly suggests that the same has been instituted after proper deliberation and, as such, false implication of the petitioner cannot be ruled out. The informant was knowing this fact that on 10.04.2024 theft was committed in his house, but surprisingly the present F.I.R. has been instituted on 12.04.2024. The entire investigation and probe have been conducted by the informant himself, which also smacks malafide. The articles which are said to be stolen and recovered from the house of the petitioner is not the subject matter of the crime, rather the house hold articles of the petitioner. It is next contended that be that as it may, the crime, in question, is triable by the Magistrate and for which the petitioner has already been incarcerated since 17.04.2024.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that apart from four criminal antecedent of identical nature on his head,



there is specific accusation that the petitioner committed theft in the house of the informant.

6. Regard being had to the submissions made on behalf of the parties and considering the delay in lodging of the F.I.R., coupled with the fact that the investigation of the crime is complete and charge-sheet has been submitted, moreover, the crime, in question, is triable by the Magistrate, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Bettiah, West Champaran in connection with Lauriya P.S. Case No. 109 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be



cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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