

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55140 of 2024

Arising Out of PS. Case No.-112 Year-2024 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Dharmendra Sah Son Of Late Harikrishn Sah @ Hare Krishna Sah Resident
Of Village - Belari, P.S. - Ujjiyarpur, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rohit Kumar, Advocate
For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 22-11-2024 Heard the learned Advocate for the petitioner and the

learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Samastipur (M) P.S. Case No. 112 of 2024,
G.R. No. 737 of 2024, registered for the offence punishable
under Sections 457 and 380 of the Indian Penal Code.

3. Based upon the written report, the prosecution
alleges that while the informant went to his native place on
10.03.2024 and when he returned on 15.03.2024, he found that
his valuables including ornaments as well as laptop, camera, tab
etc were stolen, which were valued to the tune of Rs. 30 lakhs.

4. Learned Advocate appearing on behalf of the
petitioner contended that admittedly, the occurrence took place



on 10.03.2024, however, the FIR has been instituted on 16.03.2024, irrespective of the fact that the informant came to know about the incidence on 15.03.2024, itself. It is further contended that the FIR has been instituted against three named accused persons, based upon suspicion. However, during the course of investigation, one Mukesh Kumar was apprehended by the police and the name of the petitioner has surfaced only on the confessional statement of said Mukesh Kumar. Though on search of the house of the petitioner, one pulsar motorbike, tab and cash amount of Rs. 21,000/- were recovered, but those were not the subject matter of crime. It is also contended that from the impugned order it also appears that the recovered articles have not been put on Test Identification Parade, as to whether these are subject matter of theft or not. It is lastly contended that admittedly, the crime, in question, is triable by the Magistrate and now the petitioner has been incarcerated since 26.03.2024.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that recovery of the stolen articles from the possession of the petitioner speaks about his involvement, coupled with the criminal antecedent, the particulars of which has been duly



mentioned in paragraph no. 3 of the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that from the record, it does not appear that the articles, which have been recovered from the possession of the petitioner have been put on Test Identification Parade, moreover, the crime, in question, is triable by the Magistrate and now the investigation is complete and the charge-sheet has been submitted, 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 II, Samastipur in connection with Samastipur (M) P.S. Case No. 112 of 2024, G.R. No. 737 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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