

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50548 of 2024

Arising Out of PS. Case No.-61 Year-2024 Thana- Bangara District- Samastipur

Md. Arsoo @ Md. Ashraf Son Of Md. Payare @ Md. Peyare @ Jamil Village-
Gaddopur, Ps- N.H. Bangra, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy, Adv.

For the Opposite Party/s : Ms.Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-07-2024 Heard learned Advocate for the petitioner and
learned Additional Public Prosecutor for the State.

2. This is an application for grant of bail to the petitioner, who is in custody in connection with N.H. Bangra P.S. Case No. 61 of 2024, registered for the offences punishable under Sections 461, 379, 411 of the Indian Penal Code.

3. Allegedly the petitioner was apprehended while he was committing theft in *kirana* shop. It is also alleged that on search Rs.2000/- was recovered from the pocket of the petitioner which is the subject matter of theft.

4. Learned Advocate for the petitioner contended that in fact the petitioner is the resident of same village whose name has been implicated in this case on account of enmity between two groups. It is further contended that as the petitioner was



found present near the *kirana* shop, his name has been implicated merely on suspicion. So far the allegation of recovery of Rs. 2000/- is concerned, from perusal of the FIR it is evident that the cash has been given by the informant to the police and no recovery has been made from the possession of the petitioner. Moreover, the investigation of the crime is complete and the chargesheet has been submitted.

5. On the other hand, learned APP for the State opposes the bail application and submits that the petitioner is facing one criminal antecedent.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the fact that the investigation of the crime is complete; the offences are triable by Magistrate, let the petitioner, abovenamed, 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 Judicial Magistrate 1st Class, Samastipur in connection with N.H. Bangra P.S. Case No. 61 of 2024, subject to the condition that one of the bailors shall be the own/close family members 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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