

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62402 of 2024

Arising Out of PS. Case No.-218 Year-2024 Thana- MADANPUR District- Aurangabad

Md Shahid, S/o Late Garbu, Resident of Village- Kadwa, P.S. Kasba, and District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha, Advocate

For the Opposite Party/s : Mr. M.K.Nirala, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 04-09-2024 Heard Mr. Pankaj Kumar Sinha, learned Advocate

appearing on behalf of the petitioner and the learned Additional

Public Prosecutor for the State.

2. The application for grant of bail to the petitioner who is in custody in connection with Madanpur P.S. Case No. 218 of 2024 registered for the offence punishable under Sections 379 of the Indian Penal Code.

3. Based upon the written report the prosecution alleges that while the consignment of the A.C. of the informant was being carried with a truck bearing registration no. BR-2F-5387, in the mean time, some of the miscreants stolen away 27 indoor-outdoor A.C., causing heavy loss to the informant. The allegation has been levelled that some unknown thief in collusion with the truck driver and khalasi have committed the crime.

4. Learned Advocate appearing on behalf of the



petitioner submits that the FIR has been instituted against truck owner and the driver, however, during the course of investigation the petitioner was apprehended and thereafter on recording his self confession, the stolen A.C. was recovered from the house of one Amrendra Kumar Singh. Save and except the confessional statement leading to the recovery, there is no material suggesting the complicity that the petitioner was involved in the theft of the A.C.. It is further contended that be that as it may, the petitioner is man of fair antecedent and the crime is question is triable by the Magistrate; he is in custody since 11.06.2024.

5. On the other hand, learned Additional Public Prosecutor for the State vehemently opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the period of custody and the fact that the investigation of the crime is complete and the chargesheet has been submitted coupled with the fair antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate in connection with Madanpur P.S. Case No. 218 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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