

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64177 of 2023

Arising Out of PS. Case No.-539 Year-2023 Thana- BIHTA District- Patna

1. Rahul Kumar Son Of Jitendra Thakur @ Jitendra Kumar Resident Of Kadamkuan, Upadhyay Lane, P.S. - Kadamkuan, District - Patna
2. Rajesh Tiwari @ Rajesh Kumar Son Of Umanath Tiwari Resident Of Madhopur, Sidishopur, P.S. - Bihta, District - Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Alok Kumar Jha, Advocate
For the Opposite Party/s	:	Ms. Madhuri Lata, APP
For the Informant	:	Mr. Ritesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-02-2024 Heard Mr. Alok Kumar Jha, learned counsel for the petitioners, Mr. Ritesh Kumar, learned counsel appearing on behalf of the informant as well as Ms. Madhuri Lata, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Bihta P.S. Case No. 539 of 2023, F.I.R. dated 30.05.2023 for the offences punishable under Section 379 of the Indian Penal Code.

3. According to prosecution case, both the accused persons, namely, Anil Kumar and Alok Kumar are said to have been stealing the goods from the shop of the informant and sending the same to their residence.



4. Learned counsel for the petitioners submits that petitioner no. 1 has clean antecedent and petitioner no. 2 carries 1 criminal antecedent and they have falsely been implicated in the present case. He further submits that the allegation against the petitioners is that they have stolen the goods from the shop along with other accused persons. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offences as alleged in the F.I.R. He further submits that during investigation the informant has produced the CCTV footage, video clips in a pen drive which suggests that the co-accused, namely, Anil Kumar and Alok Kumar were involved in the present crime in question and these petitioners were not found anywhere in the said video clips and they have falsely been implicated only on the ground of suspicion.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioners and submits that there is sufficient materials on record and during investigation also the petitioners are said to be involved in the the present occurrence.

6. Considering the aforesaid facts and circumstances,



let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Danapur in connection with Bihta P.S. Case No. 539 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the



acceptance of bail bonds in terms of the above-mentioned order
shall not be delayed for purpose of or in the name of
verification.

(Rajesh Kumar Verma, J)

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