

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74461 of 2023

Arising Out of PS. Case No.-130 Year-2023 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

Md. Gulam @ Babua S/O Late Md. Majid R/O- Chhoti Line Jhopparpatti,
P.S.- Tilkamanjhi, Dist.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar, Adv.

For the Opposite Party/s : Mr.Choubey Jawahar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 15-03-2024 Heard learned counsel for the petitioner and learned
APP for the State as also perused the case diary.

2. The petitioner seeks bail in connection with Kotwali
(Tilkamanjhi) P.S. Case No. 130 of 2023 instituted for the
offences under Section 457, 380 and 411 of the Indian Penal
Code.

3. As per prosecution case, on 04.02.2023, a theft was
committed in the jewelry shop of the Informant where 153.45
gram of gold jewelry, 3.77 gram of fine gold, 21.11 Kg. silver
jewelry, 112 gram old silver jewelry and Rs. 22,200/- cash was
stolen.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged



against him and has falsely been implicated in the present case. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner is not named in the F.I.R. and his name has surfaced in this case on the basis of confessional statement of co-accused Jamil Akhatar. He further submits that the CCTV footage was discovered in course of investigation wherein the petitioner has been seen. The Charge-sheet has been submitted in this case but, no where CCTV footage has been mentioned. No TIP has been conducted by the investigating agency. The petitioner has seven criminal antecedents as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 06.02.2023.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner stating that the petitioner along with other co-accused persons have been clearly identified by the Informant's two sons in the CCTV footage as recorded in para 25 & 26 of the case diary.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the the nature of allegation being omnibus and general, let



the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kotwali (Tilkamanjhi) P.S. Case No. 130 of 2023, subject to conditions that;

(i) One of the bailors shall be own/close member of the family of the petitioner.

(ii) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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