

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70710 of 2024

Arising Out of PS. Case No.-178 Year-2024 Thana- SANGRAMPUR District- East
Champaran

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Bihari Prasad @ Bihari Das Son of Devnarayan Prasad @ Devnarayan Das
Resident of Village - Shihorwa, P.S. - Kotwa, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Abhishek Kumar
For the Opposite Party/s : Mr.Nirmala Kumari

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

- 207-10-2024
- Learned counsel for the petitioner is permitted to make necessary correction in the provision of law under which the present bail petition has been filed , during the course of the day.
2. Heard learned counsel for the petitioner and learned A.P.P. for the State.
3. The petitioner seeks bail in connection with Sangrampur P.S. Case No. 178 of 2024 registered for the offences punishable under Sections 331 (4), 305 of the Bhartiya Nyaya Sanhita.
4. As per prosecution case, Rs.15,000/- , ornaments and Saree have been stolen from the informant's house by unknown thieves.



5. Learned counsel for the petitioner submits that petitioner is not named in the FIR and his name has been transpired in the present case on the basis of suspicion because he was found wandering in night in the village where occurrence took place which is disclosed by some of the witnesses as mentioned in impugned order itself. He further submits that petitioner is quite innocent and has committed no offence as alleged in the F.I.R. Petitioner is in custody since 20.07.2024 and bears criminal antecedent of two cases. He further submits that petitioner has been made accused in the present case without any cogent material. No incriminating article has been recovered from the conscious possession of the petitioner. He further submits that occurrence took place on 09.07.2024 and FIR has been lodged on 10.07.2024 and there is no satisfactory explanation given for the same which questions the authenticity of the FIR.

6. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

7. Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on



furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Motihari, East Champaran in connection with Sangrampur P.S. Case No. 178 of 2024, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

vashudha/-

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