

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70013 of 2024

Arising Out of PS. Case No.-43 Year-2024 Thana- PUWAKHALI District- Kishanganj

Md Istiyak @ Md Chotu son of Late Md Sarfuddin Village- Mohiuddinpur,
Ps- Kishanganj, Dist- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate
For the State : Ms. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-10-2024 Heard the parties.

2. The petitioner is in custody in connection with Powakhali P.S. Case No. 43 of 2024 for the offence punishable under sections 334(1) and 303(2) of the Bharatiya Nyaya Sanhita Act, lodged on 08.08.2024 by the informant, Govind Kumar Karmkar.

3. As per the prosecution story, the informant alleged that he works as a craftsman in the jewellery shoy and on the fateful day in the morning, when it was opened, found the wall of the shop being damaged and theft os silver ornaments. Accordingly, the F.I.R.

4. Learned counsel for the petitioner submits that during the investigation he has been arrested and police in its custody took confessional statement on a blank paper but



despite he being in custody, no TI parade made nor anything recovered from his conscious possession. The last submissions is that he do not have criminal antecedent and is in judicial custody since 10.08.2024 (paragraph no.14 of the petition).

5. Learned APP opposed the prayer submitting that he has confessed to the crime.

6. Considering the aforesaid facts as also that despite he being in judicial custody no TI parade conducted nor anything recovered from his conscious possession, this petitioner do not have criminal antecedent, this Court is inclined to extend him the privilege of bail.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Kishanganj, in connection with Powakhali P.S. Case No. 43 of 2024, subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his



bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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