

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74274 of 2024

Arising Out of PS. Case No.-491 Year-2024 Thana- ARA NAGAR District- Bhojpur

Sanjeet Kumar @ Ritesh Kumar Nirala Son of Ram Lakhan Prasad @ Ram Lakhan Sao @ Ram Lakhan Sah Resident of village -Sarswati Muhalla, Ward Number- 3, Police Station- Koilwar, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh, Advocate
For the Opposite Party/s : Mr.Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-10-2024 Heard Mr. Anil Kumar, learned counsel for the
petitioner and the State.

2. The petitioner is in judicial custody in connection with Ara Town P.S. Case No. 491 of 2024 for the offence punishable under Sections 331(3), 305 of the BNS Act but corrected under section 316(3) of the B.N.S. Act later on section 331(4) of the B.N.S. Act lodged on 07.08.2024 by the informant, Uma Shankar Soni.

3. As per the prosecution story, the informant alleged that they were going to Jagannathpuri, Odissa, requested his material nephew to take care of the home and gave him the key. However, he changed the lock of the main gate and also broke open the rooms and upon return, they found the household



articles scattered and disappearance of gold ornaments/silver coins. Accordingly, the FIR against the petitioner.

4. It is the case of the petitioner that immediately after they left for Jagannathpuri, Odissa, he fell ill and went to his house at Koilwar when the alleged theft took place. He is preparing for the competitive exam having no criminal antecedent and if granted relief, will be cooperating in the investigation/diligently appearing in trial.

5. Learned APP opposes the prayer submitting that own material uncle has made allegation against this petitioner.

6. Considering the aforesaid submission put forward by the parties and in view of the fact that he do not have criminal antecedent, it has been undertaken that he will be cooperating in the investigation/trial and is in custody since 08.08.2024 (para-15 of the petition), this Court is inclined to extend him the privilege of bail with conditions.

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, Bhojpur at Ara, in connection with Ara Town P.S. Case No. 491 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 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 month for next 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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