

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77750 of 2024

Arising Out of PS. Case No.-110 Year-2024 Thana- PALANWA District- East Champaran

Rajan Singh Son of Shatrudhan Singh Resident of Vilage- Semari P.S.-
Palanwa District -East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh
For the Opposite Party/s : Mr.Rajendra Singh

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 18-12-2024 Heard learned Advocate for the petitioner and learned
Additional Public Prosecutor for the State.

2. This is an application for grant of bail to the petitioner, who is in custody in connection with Palanwa P.S. Case No. 110 of 2024, registered for the offences punishable under Sections 334(1), 303(2), 317(2) of the Bharatiya Nyaya Sanhita, 2023.

3. Allegedly the articles of the informant kept in the shop of Akhilesh Singh was stolen away by unknown thieves. Later on the informant came to know that the petitioner along with other persons are instrumental in causing theft. The stolen articles have been recovered from the house of the petitioner.

4. Learned Advocate for the petitioner referring to the FIR contended that from the narrations made the FIR it would



be evident that initially the theft was committed by some unknown thieves, but later on the informant enquired and came to know that it is the petitioner and two other persons, who have committed theft and thereafter the stolen articles have been recovered from the roof of the petitioner. The entire story does not inspire confidence for the simple reason that before institution of the FIR, entire investigation has been conducted by the informant. There is complete denial of recovery of any stolen articles. It is contended that in fact the petitioner is also a manson-cum-contractor, who is engaged in construction of building on contract basis. The alleged grinder and drill machine was not a stolen property, rather it belongs to the petitioner. The petitioner bears fair antecedent and now he has been incarcerated since 29.07.2024. Moreover, co-accused person, who was also apprehended from the house of the petitioner, namely, Salman Miyan, has been allowed the privilege of regular bail by this Court in Cr. Misc. No. 70453 of 2024 vide order dated 03.10.2024.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the stolen articles have been recovered from the house of the petitioner and, as such, his complicity cannot be denied.



6. Regard being had to the submissions made on behalf of the parties and considering the fact that there is no eye witness on the point of theft, coupled with the fair antecedent and the crime in question is triable by the Magistrate, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Raxaul at Motihari, East Champaran or Successor Court in connection with Palanwa P.S. Case No. 110 of 2024, subject to the condition that one of the bailors shall be the own/close family members of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal



antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

Anjani/-

U		T	
---	--	---	--

