

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79851 of 2023

Arising Out of PS. Case No.-710 Year-2023 Thana- GAYA MUFASIL District- Gaya

Md. Raja S/O Md. Musa @ Md. Musa Ansari Village- Abgila Pahartali, Ps.
Muffasil, Dist. Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Promad Kumar Singh, Advocate

For the Opposite Party/s : Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 21-03-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Gaya Muffasil P.S. Case No.710 of 2023, lodged on
29.06.2023, under Sections 461/379 of the Indian Penal Code.
Later on offences under Sections 411/413/414 of the Indian
Penal Code were added.

3. As per the prosecution, FIR has been lodged against
8-10 unknown accused persons against whom allegation of theft
is there.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
submits that FIR has been lodged against unknown accused
persons. The name of the petitioner has figured in this case by



virtue of confessional statement of co-accused. Counsel submits that nothing has been recovered from the possession of the petitioner nor he was put on Test Identification Parade. His name has been inserted at the instance of the private company only on the basis of suspicion. Counsel further submits that the petitioner is in custody since 30.06.2023 and is accused in one more criminal case, in which he is on bail. Counsel submits that charge sheet has already been filed against the petitioner.

5. Learned counsel for the State opposes the prayer for bail.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner, above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya, in connection with Gaya Muffasil P.S. Case No.710 of 2023, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other following conditions:

(i) One of the bailor should be the family member 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 bonds by the Trial Court itself;

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

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

(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 the bail bonds.

(Dr. Anshuman, J)

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