

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83451 of 2024

Arising Out of PS. Case No.-92 Year-2024 Thana- ALIPUR District- Gaya

Prince Kumar @ Samar Kumar S/o- Anirudh Sharma @ Anirudh Kumar Vill-
Kespa P.S- Alipur Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prithivi Raj Singh, Advocate

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr. Gautam, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-12-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Alipur P.S. Case No. 92 of 2024, registered on 13.07.2024 for the offences under Sections 305, 331(4) and 3(5) of the B.N.S.

3. As per prosecution case, theft of two sacks of wheat and masoor was committed from the house of the informant. The name of the petitioner transpired during inquiry by the informant. The co-accused was caught carrying one sack of wheat to a dilapidated house where he was trying to transfer the same to another bag.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. Nothing incriminating has been recovered from the person or possession of this petitioner. The recovery has been shown from the co-accused Ashok Manjhi. The provisions of search and seizure have not been followed. The petitioner is in custody since 14.07.2024 and charge-sheet has been submitted. Petitioner is having criminal antecedent of four cases.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner. Learned A.P.P. submits that in the rejection order of the bail petition, by learned Additional Sessions Judge-XI, Gaya, seven cases have been mentioned against the petitioner.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the period of custody of the petitioner and submission of charge-sheet, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-VI, Gaya/concerned court, in connection with Alipur P.S. Case No. 92 of 2024, subject to the condition laid down under Section 437(3) of the code of Criminal Procedure and other following conditions:

(i) One of the bailors will be a close



relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the below, if so required by the learned trial court.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

However, before accepting the bail bonds of the petitioner, the learned trial court is directed to verify the criminal antecedent of the petitioner and if it is found that there are more than four cases pending against the petitioner, his bail bonds would not be accepted.

(Arun Kumar Jha, J)

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