

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82703 of 2024

Arising Out of PS. Case No.-72 Year-2023 Thana- MORKAHI District- Khagaria

Rupesh Kumar Son of Late Jawahar Paswan Resident of Village- Khutaha,
PS- Morkahi, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 03-12-2024 Heard the parties.

2. The petitioner is in custody in connection with Morkahi P.S. Case No. 72 of 2023 for the offence punishable under sections 457 and 380 of the Indian Penal Code lodged on 20.06.2023 by the informant, Jitesh Kumar.

3. As per the prosecution story, when the informant entered the C.S.P. center, saw the CCTV and lock of C.S.P. Center broken and removal of the CCTV camera. From the recording, it was found that this petitioner was damaging the camera. The informant went to his house, he admitted the guilt which followed the FIR.

4. Learned counsel for the petitioner submits that only on suspicion, the informant forced him to confess, nothing has been recovered from his conscious possession, is in custody for more than one year [since 17.08.2023 (paragraph-4 of the



petition)) and further, the submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant's side has suffered damages, the petitioner on its own would like to contribute Rs. 5,000/- towards the damages through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

5. Learned APP opposes the prayer for bail submitting that he was found damaging the camera.

6. Considering the submissions put forwarded by the parties specially the fact that he is in custody for more than a year, FIR lodged and will be facing the trial, this Court is inclined to extend him the privilege of bail with conditions subject to payment of Rs. 5,000/- as undertaken by the learned counsel for the petitioner to be paid by Demand Draft of local State Bank of India to be submitted to the Trial Court.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned C.J.M, Khagaria, in connection with Morkahi P.S. Case No. 72 of 2023 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)

Adnan/-

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