

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 2710 of 2024

Arising Out of PS. Case No.-313 Year-2023 Thana- NAUGACHIA District- Bhagalpur

Ashutosh Kumar Poddar @ Ashutosh Kumar @ Alok Kumar @ Alok S/O
Kailash Poddar R/O Masjid Road, Naugachia, P.S- Naugachia, Distt.-
Bhagalpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 31-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Naugachia P.S. Case No. 313 of 2023 dated 18.09.2023, lodged
under Sections 457 and 380 of the I.P.C.

3. As per the prosecution case, the F.I.R. has been
lodged against two named accused persons against whom, there
is an allegation that they were committed theft together in
connivance with each other entering in the house of the
informant and looted gold articles amounting Rs. 3 lakh.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He submits
that the petitioner had only helped the co-accused Chandan

Rajak in granting loan on the basis of the alleged gold which was subject to theft.

5. Learned counsel for the petitioner further submits that from the contents of the F.I.R., the allegation of Section 379 of the I.P.C. is there but the police has lodged the F.I.R. under Sections 457 and 380 of the I.P.C. There is no ingredient of those sections in the present case. He further submits that at worse, the petitioner may be made accused under Section 414 of the I.P.C. which is magisterial triable in nature. He further submits that the antecedent of the petitioner is clean and he is in custody since 07.10.2023.

6. Learned A.P.P. for the State opposes the prayer for bail.

7. 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 Only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st Naugachia, District- Bhagalpur in connection with Naugachia P.S. Case No. 313 of 2023, subject to the conditions as laid down under Section 437(3) of Cr.P.C. 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.

8. With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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