

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3023 of 2024

Arising Out of PS. Case No.-524 Year-2023 Thana- GAYA KOTWALI District- Gaya

Md. Raja S/O Late Md. Dildar R/O Village- Kathokar Talab, P.S- Kotwali,
Distt.- Gaya.

... .. Petitioner/s

Versus

The State Of Bihar Patna,

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Rajiv Nayan, 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
Kotwali P.S. Case No. 524 of 2023, lodged on 23.08.2023 under
Sections 379, 411 of the Indian Penal Code.

3. As per the prosecution case, FIR has been lodged
against one named accused person from whose possession, the
alleged mobile was recovered which was subject to theft.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
also submits that the name of the petitioner has been figured in
this case only by virtue of confessional statement of the accused
from whose possession, mobile was recovered. Counsel further



submits that the antecedent of the petitioner is not clean and there are five criminal cases pending against him in which he is on bail. The petitioner is in custody since 24.08.2023 in the present case.

5. Learned counsel for the petitioner submits that the offence in which the case has been filed is of magisterial triable.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the antecedent of the petitioner is not clean and this aspect may be taken into consideration while considering the bail application of the petitioner.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, **but only after framing of charge, if not framed** 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 Kotwali P.S. Case No. 524 of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the 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. However, the petitioner shall be granted bail only after Trial Court on being satisfied with the affidavit to be submitted by the petitioner before the Trial Court indicating therein that he is not absconding in any of the cases pending against him whose details are as follows:-

(I)- Kotwali P.S. Case No. 283 of 2012.

(II)- Kotwali P.S. Case No. 259 of 2014.

(III)- Kotwali P.S. Case No. 308 of 2013.



(IV)- Kotwali P.S. Case No. 307 of 2013.

(V)- Kotwali P.S. Case No. 62 of 2017.

(Dr. Anshuman, J.)

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