

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36931 of 2024

Arising Out of PS. Case No.-95 Year-2021 Thana- BARAUNI District- Begusarai

Md. Arwaj S/o Late Md. Ishak R/o vill - Sudi Sthan, P.s. - Barauni, Distt. - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Braj Bhusan Poddar, Adv.

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

6 24-02-2025 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Baroni
(F.C.I.) P.S. Case No. 95 of 2021 instituted for the offences
under Sections 457, 380 and subsequently added Section
411 of the Indian Penal Code.

3. As per prosecution case, the accusation against
the petitioner is of being involved in theft of gold 7 silver
ornaments worth Rs. 25,000/- and a Redmi Moible Phone of
the Informant.

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



the present case with false and frivolous allegations. The petitioner is not named in the F.I.R. and his name has transpired in this case during investigation. The petitioner has been arrested in this case on the basis of the suspicion whereafter his confessional statement was taken under duress which has no evidentiary value in the eye of law. He further submits that nothing theft article has been recovered from the conscious/physical possession of the petitioner rather the same has been recovered from the house of the co-accused Suresh Sah with whom the petitioner has no concern. Learned counsel for the petitioner submits that there is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. The petitioner has nine criminal antecedents and is languishing in judicial custody since 09.08.2022 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature. The police has recovered the



theft silver ornaments from the house of the co-accused Suresh Sah. The petitioner has also confessed his guilt in his confessional statement. The petitioner has nine criminal antecedents. The I.O. after completion of investigation, has submitted charge-sheet against the petitioner and, hence, he does not deserve bail.

6. Pursuant to the order of this Court, the learned court below has sent the status report of the trial dated 24.01.2025, stating therein that the case is at the stage of evidence and B/W against the prosecution witnesses has already been issued for recording the evidence.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Baroni (F.C.I.) P.S. Case No. 95 of 2021, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family



members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

rishi/-

U		T	
---	--	---	--

