

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23846 of 2025

Arising out of PS. Case No.-234 Year-2024 Thana- HASPURA District- Aurangabad

Shakeel Alam @ Sakil Alam, S/o Wakil Khalipha @ Wakil Ahmad, R/o Village- Chaurahi Road, Haspura, P.S.- Haspura, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s: Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 14-05-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the state.

2. The petitioner seeks bail in connection with Haspura P.S. Case No. 234 of 2024 dated 21.08.2024 instituted for the offences under Sections 331(4) and 305 of Bhartiya Nyay Sanhita (BNS), 2023. He has no criminal antecedent.

3. As per the FIR, the allegation against the petitioner is that on 21.08.2024, when the informant opened his shop it was found that cash of Rs. 22,00,000/- and jewellery were missing which amounted to almost Rs. 3,65,000/-

4. Learned counsel for the petitioner submits that the petitioner is not named in the FIR and his name has surfaced in the confessional statement of co-accused namely Sujit Kumar. Learned counsel for the petitioner further submits that no incriminating article has been recovered from the conscious pos-



session of the petitioner rather the recovery from such theft has been made from the house of one Sunil Kumar and also from a tree planted besides the house of co-accused Maqusood Alam. It is also submitted by learned counsel for the petitioner that the petitioner used to work in the shop of the informant and on mere suspicion he has been dragged in the present case. It is lastly submitted by learned counsel for the petitioner that the petitioner has clean antecedent and is in custody since 22.08.2024.

5. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid submissions of learned counsel and taking into account that no incriminating material has been recovered from the conscious possession of the petitioner and also the fact that the petitioner has clean antecedent and is in custody since 22.08.2024, the petitioner above named, is directed to be released on bail on furnishing bail-bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Judicial Magistrate, 1st Class, Daudnagar, Aurangabad in connection with Haspura P.S. Case No. 234 of 2024, subject to the the 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 Court below, if so required by the learned Trial Court.

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

(iv) And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of the same or in the name of verification.

(Sourendra Pandey, J)

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