

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30283 of 2025

Arising Out of PS. Case No.-31 Year-2024 Thana- KONCH District- Gaya

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Mahesh Pal S/O Indradev Bhagat @ Indradeo Bhagat @ Indradev Pal R/O
vill.- Shree gow, (Shreegaw), P.S.- Konch, Distt- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 04-09-2025 Heard Mr. Vijay Kumar, learned counsel for the

petitioner and the State.

2. The petitioner is apprehending his arrest in connection with Konch P.S. Case No. 31 of 2024 for the offence under sections 457 and 380 of the Indian Penal Code lodged on 14.01.2024 by the informant, Rajendra Prasad Verma.

3. As per the prosecution story, the informant alleged that while sleeping, it was informed by mobile by his daughter-in-law that a thief has entered the house. As he opened the door, could heard the sound of felling of an *almirah*. A man found running and when confronted, he abused. The voice sounded as that of the co-villager, Mahesh Pal (petitioner herein). This led to the FIR.

4. Learned counsel for the petitioner submits that a



perusal of the FIR would show that only due to enmity, he has been implicated, save and except the alleged voice identification, there is nothing on record to implicate him in this case and the petitioner has no criminal antecedent.

5. Learned APP opposes the prayer submitting that the informant could identify him by the voice.

6. In this case, the Coordinate Bench has called for the case diary and as per the investigation, the villagers have not supported the prosecution story.

7. Taking into account the submissions of the parties as also that the petitioner has no criminal antecedent, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

8. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Gaya in connection with Konch P.S. Case No. 31 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(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 next six months 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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