

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54710 of 2024

Arising Out of PS. Case No.-194 Year-2021 Thana- BODHGAYA District- Gaya

Sheyan Kalim @ Amir Son Of Md. Kalimuddin Resident Of Mohallah -
Nagmati Colony, Road No. 4, P.S. - Civil Line, District - Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate
	:	Mr. Murad Ashraf, Advocate
For the State	:	Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 20-01-2025 Heard Mr. N.K. Agrawal learned Senior Counsel
for the petitioner and learned APP for the State.

2. The petitioner is in judicial custody in connection with Bodh Gaya P.S. Case No. 194 of 2021 for the offences punishable under Section 395 of the Indian Penal Code, lodged on 18.06.2021 by the informant, Ratan Kumar Singh.

3. As per the prosecution story, the informant alleged that the security guard of the store informed that store has been looted. Later, it came to notice that the unknown persons entered the store, took away the entire materials in the truck. They also snatched the keys of two motorcycles parked there. The Security Guards were tied with ropes before the loot take place. Accordingly, the F.I.R.

4. Learned Senior Counsel for the petitioner submits



that though he concede that the petitioner has criminal antecedent, in this particular case, it is his case that main allegation is against Suraj Kumar, he used to purchase the items little realizing that the same are stolen one for which he has already suffered by being in custody since 23.04.2024 (paragraph no.1 of the petition). It is further submission that given a chance, he shall reform himself and see to it that henceforth all the purchases are made through bonafide shop keepers/companies.

5. Mr. Jitendra Kumar Singh, learned APP for the State opposes the prayer submitting that Suraj Kumar who is main accused has given his name as the person who used to purchase.

6. Though the petitioner cannot exonerate himself from the allegation inasmuch as without any proper receipt he used to purchase the item from Suraj Kumar which clearly shows that he was knowing about the same being stolen properties, considering that he has remained in custody since 23.04.2024 and an undertaking has been given that he shall be diligently appearing in trial, in that background, this Court is inclined to extend him the privilege of bail.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial



Magistrate, Gaya in connection with Bodh Gaya P.S. Case No. 194 of 2021, subject to the following conditions:

(i) one of the bailor should be the family member/relative 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 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 one year 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 bail bonds.

(Rajiv Roy, J)

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