

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79829 of 2024

Arising Out of PS. Case No.-388 Year-2024 Thana- GAYA MUFASIL District- Gaya

Shivpujan Kumar @ Shivpujan Thathera Son of Mahendra Prasad @ Mahendra Thathera Village- Thathera Toli, Chakand Bazar, Police Station- Chakand, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shravan Kumar, Sr. Advocate
Ms. Monika Singh, Advocate
For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 13-02-2025 Heard learned counsel for the petitioner and learned APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Gaya Mufassil P.S. Case No. 388 of 2024 instituted for the offence under Section 395 of the Indian Penal Code.

3. Prosecution case in a nutshell is that on the night of 06-05-2024, five to six unknown accused entered her house, and held a knife to her son's throat and demanded the key to her almirah. Out of fear, she handed it over and they looted all the jewellery, including what she was wearing, before locking her and her children in a room. Upon hearing their alarm, neighbours came and opened the door.



4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 04-06-2024. Petitioner bears six criminal antecedents, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Petitioner is not named in the FIR. Name of the petitioner has transpired on the basis of confessional statement of co-accused, namely, Deepak Adiwasi @ Dhan Singh. Learned counsel for the petitioner submits that he is an owner of Punam Jewellery shop and alleged seized jewellerys are general and the same is not a stolen property. No incriminating article has been recovered from the possession of the petitioner. There is no compliance of Section 100 of the Cr.P.C. Learned counsel for the petitioner lastly submits that police after investigation has submitted charge sheet in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Referring to paragraph Nos. 8, 9 & 10 of the case diary, it is submitted that witnesses have supported the prosecution case.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, manner of



petitioner’s implication and charge sheet being submitted, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail, *after framing of charge, if not already framed*, 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 Gaya Mufassil P.S. Case No. 388 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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