

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88611 of 2024

Arising Out of PS. Case No.-816 Year-2022 Thana- BIHAR District- Nalanda

Md. Amir S/O Md. Munna R/O Mohalla- Chainpura, P.S- Bihar, Distt.-
Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ganesh Sharma, Adv.

For the Opposite Party/s : Mr.Tapeshwar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-02-2025 Heard the parties.

2. The petitioner is in custody in connection with Bihar P.S. Case No. 816 of 2022 for the offence punishable under sections 457 and 380 of the Indian Penal Code lodged on 30.10.2022 by the informant, Mathura Prasad.

3. As per the prosecution story, the informant alleged that family had gone to Patna for personal work and upon return, the lock of the main gate was broken and theft was committed. This led to the FIR.

4. Learned counsel for the petitioner submits that only because of his criminal antecedent, implicated for which he has already suffered by being in custody since 12.09.2023 (para 4 of the petition). The last submission is that the charges have been framed and one of the similarly placed person, namely, Md. Chhotu has been granted relief by this Court in Cr. Misc. No.



65383 of 2024.

5. Learned APP opposes the prayer for bail submitting that he has criminal antecedent of the same nature and in the investigation, his name has cropped up.

6. Having gone through the facts of the case as also the materials on record, though the name of the petitioner has come in course of investigation and also has criminal antecedent, the fact remains that he is in custody since 12.09.2023 and one of the similarly placed co-accused, as stated above, has been granted relief, in that background, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Bihar Sharif in connection with Bihar P.S. Case No. 816 of 2022 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/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 till conclusion of the trial 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)

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