

IN THE COURT OF THE SESSIONS JUDGE, SAHARSA

Regular Bail Appl. No. 880/2022

Umesh Mallik.....Petitioner	Versus	The State of Bihar
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ORDER

16.11.2022 : Bail application has been filed on behalf of accused-petitioner, namely, Umesh Mallik who is in custody since 15.05.2022 in connection with Sour-Bazar P.S. Case No. 239/2022 dated 10.05.2022 for offence under Sections 379, 381 and 411/34 of the IPC pending in the Court of Ms. Shiv Shrutika, Ld. J.M. 1st Class, Saharsa is pressed.

2. Heard Sri Bhaskar Kumar, learned counsel for the petitioner, Sri R. P. Yadav, Ld. P. P. for the State and perused the case record.

3. The prosecution case, as per written report of the informant, Lalit Kumar Sinha who happens to be Branch Manager, SBI, Sour-Bazar, in brief, is that on 09.05.2022 he performed physical verification of the strong room after the duty hours and found missing the gold loan ornaments which was kept in the vault room and he suspected that the same was stolen by someone. On 10.05.2022 it was found from the CCTV footage that on 23.04.2022 at about 07:30 AM one person whose description as Umesh Mallik who is cleaner hired through outsourcing agency i.e., M/s Service Clean Master Clean Ltd. The inventory of theft article is attached with the application vide letter no.BM/MISC/2022-23/06.

4. It has been urged on behalf of the petitioner-accused that he is quite innocent and has committed no offence and nothing has been recovered from his possession. He works in the bank as cleaner. There is 17 days delay in lodging the FIR for which there is no explanation. Further urged that statement of seizure list witnesses have not been recorded in the case diary and no TIP has been got conducted by investigating officer. Further submitted that charge-sheet has been submitted in this case and co-accused persons Sunil Kumar and Munna Sah (Sala of this petitioner) and Sanjay Sah have been granted bail by this Court vide RBA-No. 548/2022, RBA-No. 639/2022 and RBA-No. 801/2022. Further urged that petitioner bears no criminal history which is evident from paragraph no. 63

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Continued

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of the case diary and charges have already been framed in this case and he is in custody since 15.05.2022. Further submitted that the record is running for evidence but witnesses did not turn up last seven consecutive dates. Therefore, he may be admitted to bail.

5. Ld. P. P for the State has opposed the prayer of bail but has conceded that TIP of petitioner or theft article has not been got conducted by investigating officer and there is delay of 17 days in lodging the FIR. Further conceded that charge-sheet has been submitted and charges have already been framed in this case. Lastly conceded that co-accused persons have been granted bail by this Court and the record is running for evidence and petitioner bears no criminal history.

6. Considering the aforesaid facts and circumstances of the case, the allegation against the petitioner and the period of custody since 15.05.2022, he is directed to be released on bail on furnishing bail bond of Rs.20,000/- (twenty thousands) with two sureties of the like amount each to the satisfaction of the learned court below subject to condition that one of the bailors shall be relative of the petitioner. Apart from that he is directed to remain physically present before the court on each date fixed in the case and cooperate in the speedy disposal of the case. Representation shall be allowed only except extreme emergency. He shall have to produce the documents relating to extreme emergency. In the event of failure to appear before the court on two consecutive dates without showing any cogent reason, the prosecution/informant will be at liberty to pray for cancellation of the bail bond of the petitioner.

Dictated & corrected by me

Sd/-

Sessions Judge,