

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53024 of 2019

Arising Out of PS. Case No.-138 Year-2019 Thana- BAHERI District- Darbhanga

SHIBAM KUMAR SINGH @ SHIVAM KUMAR SINGH Son of Umesh Prasad Singh Resident of Village- Jivanpatti, Pachgachhiya, P.S.- Bahadurpur, District- Darbhanga.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 27-09-2019 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner is in custody in connection with Baheri P.S. Case No. 138 of 2019 for the offenses under Sections 379, 411, 337, 417, 420, 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the allegation against the petitioner in the instant case is that he visited Jewellery Shop of the informant and asked him to give Gold Chain and Gold Ring. Thereafter, another boy came to the shop and asked to bring one cool drink and then it is alleged that the boy who came earlier gave ornaments to the second boy and thereafter the second boy fled away with gold chain with locket and gold ring. Learned counsel for the petitioner would submit



that the petitioner was made accused in the case on the alleged recovery of gold chain with locket and gold ring, one nife and blade. He submits that the articles alleged to be recovered cannot be conclusively said to be stolen articles as there is no distinctive feature indicated by the informant and which tallies with the ornaments recovered. He further submits that the prosecution case as it is only offence under Section 379 of the IPC will be made out and not offences under the other sections which has been levelled in the present case. The petitioner is in custody since 02.07.2019.

Considering the fact that the seized articles has no distinctive feature to connect the petitioner in the commission of crime, the Court is inclined to grant bail to the petitioner. Let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate IX, Darbhanga, in connection with Baheri P.S. Case No. 138 of 2019.

(Anil Kumar Upadhyay, J)

uma/-

U		T	
---	--	---	--

