

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28813 of 2020

Arising Out of PS. Case No.-138 Year-2020 Thana- SURSAND District- Sitamarhi

SHRAVAN KUMAR S/o Ram Shareth Ray Resident of Village-Mahamadpur,
Police Station-Bajpatti, District-Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Kumar

For the Opposite Party/s : Mrs. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 11-11-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel appearing for the petitioner and Mrs. Anita Kumari Singh, learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Sursand P.S. Case No. 138 of 2020 for the offence punishable under Sections 379, 411 and 34 of the Indian Penal Code.

The allegation is regarding the tractor of the informant having been stolen from inside the boundary wall of the godown of the informant and this fact was informed by the driver of the informant on the morning of 17.05.2020 at about 6:00 A.M., whereafter the Police was informed and during the course of



search being made by the Police, it received information that one tractor was parked in village Mahmadpur under suspicious condition, whereupon the Police force had gone there and upon arriving at the said place, they saw that one person was opening the shed of the tractor, however, upon seeing the police, the said person started fleeing away but was caught by the police and on enquiry it transpired that he is the petitioner herein.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case, he is having a clean antecedent and is languishing in custody since 18.05.2020. The learned counsel for the petitioner has further submitted that a bare perusal of the seizure list and the arrest memo would show that though the seizure was made on 17.05.2020 at 12:15 hours, however, the arrest memo shows that the petitioner was arrested on 17.05.2020 at 4:45 P.M. which goes to demonstrate that the petitioner has been falsely implicated in the present case.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the period of incarceration



of the petitioner herein as also the fact that he is having a clean antecedent apart from the fact that there appears to be some discrepancy in the time mentioned in the seizure list viz-a-viz the arrest memo, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Sursand P.S. Case No. 138 of 2020.

(Mohit Kumar Shah, J)

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