

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 29064 of 2020**

Arising Out of PS. Case No.-44 Year-2020 Thana- BENIPATTI District- Madhubani

CHANDAN JHA @ CHANDAN KUMAR JHA S/o Dukh Mochan Jha
Resident of Village-Kasaraur, P.S.-Ghanshyampur, District-Darbhanga.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Shailesh Kumar, Advocate

For the Opposite Party/s : Mr Shyameshwar Dayal, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

4 **22-12-2020** As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in Benipatti Police Station (for brevity, *PS*) Case No 44 of 2020 dated 27.02.2020 bearing GR No 157 of 2020 instituted for the offence punishable under Section 394 of Indian Penal Code.



The informant (Operator of Finance Company) lodged the case alleging two unknown miscreants who have taken away mobile phones and Rs 7,39,500/- from the office and bolted the door from outside.

Learned counsel for the petitioner submits that though the petitioner was earlier working in the Company, the informant has not stated his name in the first information report. His implication is only for the fact that the co-accused Manish Kumar Jha has stated about the petitioner's involvement in his confessional statement. The petitioner also does not fit in the description of the miscreants, stated by the informant during the course of investigation. Co-accused Manish Kumar Jha and Raj Kumar Jha were arrested and from them, recovery of incriminating article has been made but from petitioner, there is no recovery whatsoever and he has no criminal antecedent. He is in custody since 08.03.2020.

The learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



Additional Chief Judicial Magistrate, Benipatti in Benipatti PS
Case No 44 of 2020 dated 27.02.2020 bearing GR No 157 of
2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of
the petitioner who will give an affidavit giving genealogy as to
how he is related with the petitioner. The bailor will also
undertake to inform the Court if there is any change in the
address of the petitioner.

(ii) That the petitioner will be well represented on
each date and if he fails to do so on two consecutive dates, his
bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to
honour his undertaking given in the instant proceedings today
for depositing requisite Court fee and removing the defect (s), as
pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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