

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28656 of 2020

Arising Out of PS. Case No.-41 Year-2020 Thana- EAST COLONY District- Munger

NISHANT KUMAR @ PINTU SONAR S/o Late Vivekanand Gupta
Resident of Village-Keshopur, P.S.-Jamalpur, District-Munger.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate.

Mr. Rakesh Singh, Advocate.

For the Opposite Party/s : Mr. Humayu Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 12-01-2021 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered for the
offence punishable under Section 457/380 of the Indian Penal
Code.

The prosecution case as per the written report of
informant Anurag Kumar is that he is an employee of Railway
Workshop, Jamalpur and resides in Railway Quarter No.36 AB.
He has gone to his village to attend the Saradh Ceremony of his
aunty on 04.07.2020 and when he was returning on 06.07.2020,
his neighbour informed him that the lock of his residence is
broken and theft has been committed in his house. He came at
his residence and found the articles, as mentioned in the list
attached with the F.I.R., were stolen.

It is submitted by learned counsel for the petitioner



that the petitioner has committed no offence and has no concern with the aforesaid occurrence. He has been falsely implicated in this case merely on suspicion. The petitioner is neither named in the F.I.R. nor he was apprehended on the spot. No incriminating article has been recovered from his conscious physical possession. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. It is further submitted that the seized jewellery do not match with the stolen jewellery. No T.I. parade has been conducted. There is nothing in the record indicating the complicity of the petitioner in the occurrence barring the confessional statement of co-accused, Aman Kumar @ Tillu, which has no evidentiary value in the eye of law. The petitioner has no criminal antecedent and been languishing in custody since 09.07.2020.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-I, Munger in connection with East Colony P.S. Case No.41 of 2020.

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(Anjani Kumar Sharan, J)

