

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6466 of 2022

Arising Out of PS. Case No.-320 Year-2021 Thana- CHHATAUNI District- East Champaran

Anish Kumar Son Of Sri Madan Patel @ Madan Raut R/O Mohalla-
Bhawanipur Zirat Motihari, P.S.- Chhatauni, District- East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Ramchandra Sahni, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 05-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Chhatauni P.S. Case No. 320 of 2021 registered for the alleged offences under Section 380 of the Indian Penal Code.

As per prosecution case, a theft was committed in the house of the informant and a number of articles including purse, mobile phones, jewellery, credit card and debit card and cash amount of Rs. 50,000 have been stolen. The name of the petitioner transpired as one of the thieves during investigation.



Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case and nothing incriminating has been recovered from his possession. For the jewellery recovered from his house, he has filed on record cash memo of Ganpati Jewellers. The tempo seized from this petitioner is not a stolen property. The petitioner was not seen near the house of the informant on the day of occurrence. The F.I.R. has been registered against unknown. The petitioner has been falsely implicated merely on suspicion. The petitioner is in custody since 20.08.2021 and charge sheet has already been submitted.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that a number of articles have been stolen from the house of the informant in the night.

Having regard to facts and circumstances and considering the period of custody of this petitioner along with submission of charge sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Chhatauni P.S. Case No. 320 of 2021, subject to the conditions mentioned in



Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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