

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10361 of 2022

Arising Out of PS. Case No.-313 Year-2021 Thana- SHASTRINAGAR District- Patna

Pramod Bind Son of Vijay Bind Resident of Village - Rupaspur Bind Toli,
P.s.- Rupaspur, Distt.- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Dharendra Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Nityanand, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 10-08-2022 The learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

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

Petitioner seeks regular bail in connection with Shastri Nagar P.S. Case No. 313 of 2021 registered for the offence under Section 380 of the Indian Penal Code.

As per prosecution story, the informant posted as Jal Wahak went to the house of his senior police officer where he was posted at the relevant time of alleged occurrence and after reaching he found the lock of the house being broken and several articles and idols, as well as households were found missing from the house of said senior police officer.



The main submissions advanced by learned counsel Mr. Dhirendra Kumar Singh for the petitioner are that the petitioner has been languishing in jail since 10th August, 2021 and he has been remanded in this case on 23.10.2021 from Shastri Nagar PS Case No. 326 of 2021 and after the remand in the present case no recovery of stolen article was made from the possession of this petitioner and the order of the trial Court goes to show that the recovery of stolen articles was made from the possession of co-accused who revealed the name of this petitioner and accordingly, the involvement of this petitioner surfaced in the statement of co-accused and except this there is no material against him. Further submission is that the petitioner has got bail in Shastri Nagar PS Case No. 326 of 2021 from which he was remanded in the present case.

Learned APP Mr. Nityanand appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR and the case record. The order of trial Court goes to show that petitioner's involvement as well as role in the alleged occurrence surfaced in the statement of co-accused and stolen articles were recovered from the house of co-accused Mantu Bind and there is no material to show that any recovery of the stolen articles was



made from the possession of this petitioner after he was remanded in the present case and it appears that mainly on the basis of statement of co-accused made before the police the petitioner has been made accused in this case. Considering these facts as well as petitioner’s custody period, in my view a lenient approach can be taken in respect of petitioner’s prayer let the petitioner 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 concerned Court in Connection with Shastri Nagar P.S. Case No. 313 of 2021.

(Shailendra Singh, J.)

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