

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12406 of 2022

Arising Out of PS. Case No.-445 Year-2021 Thana- BHAGWAN BAZAR District- Saran

ABHAY KUMAR SINGH S/o- Ashok Singh R/o Village - Kopa Samhota,
P.S. - Kopa, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anjani Parashar

For the Opposite Party/s : Mohammad Sufyan

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 19-07-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Bagwan
Bazar P.S. Case No. 445 of 2021 registered for the offence
under Sections 379 and 461 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 10.12.2021.

The allegation against the petitioner is to commit theft
from temple, namely, Hathi Das Mathiya and while committing
so, stolen idol of God, where Priest of temple is the informant of
this case.

Learned counsel appearing on behalf of the petitioner



submitted that name of the petitioner surfaced on the basis of confessional statement of co-accused, namely, Rajan Kumar Sharma. It is submitted that the petitioner, at the time of lodging FIR was in custody in connection with Rivilganj P.S. Case No. 348 of 2021. It has further been submitted that it was joint confession of the co-accused including petitioner, where recovery of stolen idol was made from '*bush*' developed near temple, which is a public place. While concluding the argument, it has been submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that it was joint confession, leading recovery of idol of God.

Considering the facts and circumstances as mentioned above, as stolen idol of God has not been recovered from conscious physical possession of the petitioner and the same has been recovered from open place coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Bhagwan Bazar P.S. Case No. 445 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two



sureties of the like amount each to the satisfaction of learned
ACJM 1st, Saran at Chapra, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Rina Devi, who is the mother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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