

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14338 of 2022**

Arising Out of PS. Case No.-69 Year-2021 Thana- LAKHNAUR District- Madhubani

Rakesh Gwala Son of Sharma Gwala @ Sharma Goyala Resident of Village -
Jhajupara, P.S.- Rajganj, District - Jalpaiguri (West Bengal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baleshwar Kamat, Advocate

For the Opposite Party/s : Mr. Braj Kishore Pd., APP

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER**

4 08-09-2022 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
Lakhnaur P.S. Case No.69 of 2021 registered for the offences
punishable under Sections 379 and 34 of the Indian Penal Code.

As per the allegation Rs.1,20,000-/, ATM Card, PAN
Card kept in the dicky of motorcycle of the informant were
stolen by two persons who came at that time on an Apache
motorcycle and their activity of stealing the said articles was
captured on a CCTV camera and the FIR was lodged against
unknown persons.



The main submissions advanced by the learned counsel Mr. Baleshwar Kamat for the petitioner are that the petitioner was remanded in the instant case from Jhanjharpur P.S Case No.54 of 2021 and after his remand in the present case the police failed to recover the alleged stolen articles from the possession of this petitioner and no investigation has been made with regard to the CCTV footage and the petitioner has been languishing in jail since 27.07.2021 in the present case for the offence under Section 379/34 of the Indian Penal Code which is triable by the magistrial Court.

Learned APP Mr. Braj Kishore Pd. appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR and case diary of the case. The case diary goes to show that the police did not make any investigation in respect of CCTV camera which is stated to have captured the suspected activity of accused persons who allegedly removed the money, ATM, Aadhaar Card etc. from the dicky of the informant's motorcycle and the police merely believing the petitioner's statement given in Jhanjharpur P.S Case No.54 of 2021 made him an accused in the present case, though the said P.S Case No.54 of 2021 relates to the same nature of offence like the present case but in the instant case



during the investigation the police failed to recover any stolen article from the possession of this petitioner and the investigation has been completed. Considering these facts as well as the petitioner’s custody period, in the opinion of this Court a lenient approach can be taken in respect of the 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 the concerned Court in connection with Lakhnaur P.S. Case No.69 of 2021.

(Shailendra Singh, J.)

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