

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17473 of 2022

Arising Out of PS. Case No.-43 Year-2021 Thana- GOGRI District- Khagaria

Sarvesh Kumar @ Sarvesh Chaurasia Son of Late Uday Chaurasia R/O
Village- Gopalpur, P.S.- Gogri, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. AAP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 31-08-2022 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 Gogri
P. S. Case No. 43 of 2021 registered for the offence under Sections
461 and 379 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and is in
custody since 13.12.2021.

The allegation against the petitioner is to commit theft
from the closed go-down of the informant and while committing so,
taken away computer set, water motor, battery, inverter, gas stove,
gas pipe, printer and cash of Rs. 20,000/- along with other co-
accused persons, which belongs to the informant.

Learned counsel appearing on behalf of the petitioner
submitted that petitioner is not named in the FIR and his name



surfaced on the basis of confessional statement of co-accused, namely, Rajnish Kumar. It is also submitted that in furtherance of said confession, police seized household articles of this petitioner as stolen goods. It is also submitted that goods mentioned in FIR, which was alleged to be stolen is without any specifications. It is also submitted that items recovered from the house of the petitioner was never put on TIP. 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 stolen goods were never put on TIP.

Considering the facts and circumstances as mentioned above, as stolen items, which is without any description were not put on TIP, as yet 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 Gogri P. S. Case No. 43 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 Chief Judicial Magistrate, Khagaria/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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