

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23159 of 2022

Arising Out of PS. Case No.-12 Year-2022 Thana- DUMARIAGHAT District- East
Champaran

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SURESH SAH @ SURESH KUMAR GUPTA S/o Teni Sah Resident of
Village- Rampur Khajuria, P.S.- Dumariyaghat, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar
For the Opposite Party/s : Mr. H.A. Khan

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 24-08-2022 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the office, within a period
of four weeks. In the eventuality of non-removal of defects
within undertaken period, the office will place the matter before
the Bench.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 414, 420,
467, 468 & 379/34 of the Indian Penal Code but later on
Section 120B IPC was added.

As per allegation, all the F.I.R. named accused
persons had loaded bags of sugar on the truck after preparing



forged and fake papers and committed theft of bags of sugar and sold the same to nearby businessman including this petitioner.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He has been falsely implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. It is further submitted that no incriminating article has been recovered from the conscious physical possession of the petitioner nor he was present at the place of occurrence. There is violation of Section 100 Cr.P.C. The petitioner has been made scapegoat in this case on the confessional statement of co-accused, which has no evidentiary value in the eye of law. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Dumariyaghat P.S. Case No. 12 of 2022,



subject to the condition as laid down under Section 438 (2) of
the Cr.P.C.

(Anjani Kumar Sharan, J)

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