

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41740 of 2021

Arising Out of PS. Case No.-556 Year-2020 Thana- SITAMARHI District- Sitamarhi

SANTOSH KUMAR S/O SOGARATH SAH R/O VILLAGE-BASBARIYA
MAORAH TOLA, P.S-SITAMARHI, DISTRICT-SITAMARHI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahendra Thakur
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-01-2022 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

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

The petitioner seeks regular bail in connection with Sitamarhi P.S. Case No. 556/20, registered for the offence punishable under Sections 461 and 379 of the Indian Penal Code.

The allegation is regarding theft having been committed in the mobile shop of the informant and the entire articles including mobiles, cash



book register etc. were stolen from the said shop. The petitioner is alleged to be one of the miscreant, who had hatched the conspiracy and committed theft in the mobile shop of the informant.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 23.10.2020. The learned counsel for the petitioner has further submitted that the impugned order itself would show that the face and identity of the petitioner is not clear from the CCTV footage, as regards him having entered the shop and looted the articles, thus the petitioner cannot be stated to be having any complicity in the matter.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the



petitioner and taking into account the materials available on record as also considering the period of incarceration of the petitioner herein, apart from the fact that he is having a clean antecedent, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Sitamarhi in connection with Sitamarhi P.S.Case No. 556/2020.

(Mohit Kumar Shah, J)

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