

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38793 of 2022

Arising Out of PS. Case No.-854 Year-2021 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Romit Yadav @ Romi @ Romit Kumar Yadav S/O Ram Chandar Yadav
Resident of Mohalla.- Chunihari Tola (Rameshwar Agarwal Lane), Ward Ni.-
14, P.S.- Jogshar, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Davendra Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Uday Pratap, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-09-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual court proceedings.

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

The petitioner seeks bail in connection with Kotwali
(Jogshar) P.S. Case No. 854 of 2021 registered for the offence
under Sections 379 and 411 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 15.12.2021.

The allegation against the petitioner is to have in
possession of 340 ft. of copper wire, which was suspected to be
stolen, where informant is police personnel.



Learned counsel appearing on behalf of the petitioner submitted that petitioner has falsely been implicated in this case as while he was traveling through a public carrier as tempo/three wheeler, from where alleged stolen 340 ft. of copper wire was recovered. It is submitted that as recovery of alleged stolen 340 ft. of copper wire was made from public carrier, as such, it cannot be said that same was made from the conscious physical possession of this petitioner. It is further submitted that nothing surfaced/recovered, during the course of investigation, which may connect this petitioner with stolen 340 ft. of copper wire. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence..

Learned APP appearing on behalf of the State opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovered stolen 340 ft. of copper wire cannot be said to be made from the conscious physical possession of this petitioner, as same was recovered from a public carrier, where petitioner is a man of clean antecedent 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 Kotwali (Jogshar) P.S. Case No. 854 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 Judicial Magistrate-1st Class, Bhagalpur/concerned court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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