

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41686 of 2022

Arising Out of PS. Case No.-706 Year-2021 Thana- BHABHUA District- Kaimur (Bhabua)

Pradeep Patel @ Bilaruwa Son of Ramanand Singh Resident of village -
Shion, P.S.- Bhabua, District - Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey, Advocate

For the Opposite Party/s : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 17-11-2022 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 learned
APP for the State.

Petitioner seeks regular bail in connection with Bhabua P.S.
Case No. 706 of 2021 registered for the offences punishable
under Sections 457 and 380 of the Indian Penal Code.

As per the prosecution, the informant has alleged
that theft was committed at his house by unknown persons while
he was asleep. Further it is alleged that a mobile phone and I-
Pad (Tablet), cash of Rs. 1250/- and some other documents were
missing from the house.

The main submissions advanced by learned counsel



Mr. Rajni Kant Pandey, appearing for the petitioner are that the FIR of the instant matter was lodged against unknown persons, petitioner was remanded in the present case from Bhagwanpur P.S. Case No. 232 of 2021 and in that case as per the police a Mobile Phone was recovered from the possession of this petitioner but that mobile phone belongs to the petitioner. Further submission is that the co-accused Pankaj Kumar has been granted bail by the court below and the petitioner has been languishing in jail since 28.04.2022 and after his arrest in the instant case the police failed to recover any stolen article of the instant matter from the possession of this petitioner.

Learned APP appearing for the State has opposed the prayer for bail.

Heard both the sides and perused the FIR and the order impugned. The FIR of the instant matter was lodged against unknown persons and the petitioner has taken the plea that after his arrest in the present case the police failed to recover any of the stolen articles and the said defence has not been refuted by learned APP appearing for the State, while rejecting the prayer for bail of the petitioner the Court below mainly placed reliance on the confessional statements given before the police and against the petitioner investigation has



been completed. Considering all these facts and mainly taking into account the petitioner’s custody period and also the fact that the alleged offences are triable by First Class Magistrate, in the opinion of this Court the petitioner deserves to a lenient approach of this Court. Accordingly, let the petitioner be enlarged 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 C.J.M., Kaimur at Bhabua in connection with Bhabua P.S. Case No. 706 of 2021.

(Shailendra Singh, J.)

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