

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42074 of 2022

Arising Out of PS. Case No.-720 Year-2020 Thana- MOTIHARI TOWN District- East
Champaran

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Nepali @ Vikash Kumar Son Of Late Raj Kishore Bhagat Resident Of
Village- Ward No. 34 New Gopalpur, Motihari, P.S- Town Motihari, Dist-
East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Anil Kumar, Advocate
	:	Miss. Pooja Kumari, Advocate
For the Opposite Party/s	:	Mr. Binod Kumar No.3, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 16-11-2022 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 the

learned APP for the State.

Petitioner seeks regular bail in connection with Town

Motihari P.S. Case No. 720 of 2020 registered for the offences

punishable under Sections 457 and 380 of the Indian Penal

Code and added on later Section 411 of the IPC.

As per the prosecution, the informant has alleged that

theft has been committed in his house while he was out of the

house. Further it is alleged that Rs. 30,000/- cash and a LED TV



were stolen, later he got to know from neighbours that the theft was committed by this petitioner and other co-accused persons.

The main submissions advanced by the learned counsel Mr. Anil Kumar for the petitioner are that the petitioner has clean antecedent and is a resident of the informant's village, hence the factum of petitioner's roaming near the house of informant at the relevant time as alleged is not sufficient to draw a presumption that petitioner was involved in the alleged theft and according to the prosecution the petitioner's activity in carrying the stolen T.V. of the informant was captured in CCTV camera but during the investigation the police did not collect the CCTV footage concerned of the said activity and from the possession of the petitioner no any incriminating or stolen article was recovered.

Learned APP Mr. Binod Kumar No.3 appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR. The petitioner has clean antecedent as mentioned in paragraph 3 of his petition and as per the order of learned court below, the alleged TV was recovered from the house of the co-accused Ravi Kumar who has been granted anticipatory bail by co-ordinate Bench of this court vide order passed in Criminal



Miscellaneous No. 15513 of 2022 and in respect of the involvement of the petitioner the prosecution is mainly relying on footage of CCTV camera but the petitioner has taken the plea that the said footage is not collected by the police and has not been tallied with the petitioner. Considering these facts and mainly taking into account the petitioner's clean antecedent and his custody period and the privilege of anticipatory bail has been granted to the co-accused, in opinion of this court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in Connection with Town Motihari P.S. Case No. 720 of 2020.

(Shailendra Singh, J)

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