

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44645 of 2022

Arising Out of PS. Case No.-35 Year-2021 Thana- PUWAKHALI District- Kishanganj

Chandan Gowala Son of Late Mukh Lal Gowala R/O Fatapkhar, P.S.-
Rajganj, District- Jalpaiguri (WEST Bengal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uma Shankar Prasad Singh, Advocate
For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-12-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

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

The petitioner seeks bail in connection with
Pawakhali P.S. Case No. 35 of 2021 registered for the offence
under Sections 379 and 34 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 22.04.2022.

The allegation against the petitioner is to commit theft
and while committing so taken away cash of Rs. 1,00,000/- kept
in dickey of motorcycle belongs to the informant, where
occurrence took place immediately after cash withdrawal from
bank.



Learned counsel appearing on behalf of the petitioner submitted that petitioner has been falsely implicated in present case on the basis of self-confession while apprehended in Kishanganj P.S. Case No. 237 of 2021. It is further submitted that in furtherance of self-confession, no incriminating material recovered/surfaced, which may connect this petitioner with present set of occurrence/theft. It is also submitted that petitioner was not put on TIP, as yet. It is also pointed out as petitioner involved in 9 more criminal cases, mere on the basis of suspicion arises out of said criminal antecedents, petitioner was implicated in present case also, where he is on bail in all those 9 cases. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as no incriminating material recovered from the possession of this petitioner, in furtherance of self-confession, which may connect him with present set of occurrence 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 Pawakhali P.S. Case No. 35 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 Chief Judicial Magistrate, Kishanganj/concerned court, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

pooja/-

U		T	
---	--	---	--

