

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46761 of 2022**

Arising Out of PS. Case No.-289 Year-2022 Thana- NATHNAGAR District- Bhagalpur

Aman Kumar S/o Late Narsh Prasad Yadav Resident of Village- Raghapur
Tikar, P.S.- Madusudanpur (Nathnagar), District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

3 23-12-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing..

In the present case, the petitioner seeks bail in connection with Nathnagar (Lalmatiya) P.S. Case No. 289 of 2022 registered for the alleged offences under Sections 497 and 380 of the Indian Penal Code.

As per prosecution case, a theft was committed in the godown of the informant and 20 bundles of clothes worth Rs. 10 lacs were stolen. The name of the petitioner transpired as the thief who committed theft in the godown of the informant.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The name of the petitioner surfaced in this case in the statement of co-accused Vikash Kumar and nothing



incriminating has been recovered from the conscious possession of this petitioner. Learned counsel further submits that no recovery has been made at the instance of this petitioner. The petitioner has nothing to do with the alleged occurrence or the stolen articles. In the given facts and circumstances the petitioner was neither identified in the CCTV footage nor by any person. The petitioner is in custody since 06.05.2022 and charge-sheet has been submitted. The petitioner has got no criminal history.

Learned APP opposes the prayer for bail.

Though, it has been submitted on behalf of the petitioner that no recovery has been made at the instance of the petitioner, rejection order of the bail of the petitioner shows after disclosure of the petitioner and co-accused Vikash Kumar, recovery has been made from the *bathan* of one Pramod Yadav and proper seizure list has been prepared.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the clean antecedent of the petitioner and also considering the period of custody of the petitioner along with the submission of charge-sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/-



(twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Nathnagar (Lalmatiya) P.S. Case No. 289 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(iv) If, it is found that any recovery has been made at the instance of this petitioner, the bail bond of the petitioner will not be accepted.

(Arun Kumar Jha, J)

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