

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58834 of 2021

Arising Out of PS. Case No.-211 Year-2020 Thana- TELHARA District- Nalanda

Munna Ram, Son of Late Mathura Ram, R/o village- Jaitipur, P.S.- Ghoshi,
Distt.- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gauri Shankar Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 26-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Telhara P.S. Case No. 211 of 2020 registered for the alleged offences under Section 457 and 380/34 of the Indian Penal Code.

As per the prosecution story, a theft was committed in the shop of the informant and three co-accused persons were named for committing this theft. During investigation, the name of the petitioner surfaced as one of the accused persons, who was also involved for committing the theft in the shop of the



informant.

The learned counsel for the petitioner submits that the petitioner was not named in the FIR and his name came up during investigation in the confessional statement of co-accused. Learned counsel further submits that nothing incriminating has been recovered from his possession and whatever recovery is being shown from the petitioner has been made in his absence. Moreover, this petitioner also runs a shop and the articles recovered were not stolen articles. Further, No Test Identification Parade has been held for the recovered articles and so this is not correct to say that the articles were stolen. Learned counsel further submits that the other co-accused persons have been granted bail by the learned court below itself. The charge sheet has been submitted in this case and the petitioner is in custody since 29.06.2021 and is having no criminal antecedent.

Learned APP opposes the prayer for bail submitting that the recovery has been made from the shop of the petitioner.

Perused the records.

Having regard to the submissions made hereinabove and considering the fact that charge sheet has been submitted in this case and the petitioner is in custody since 29.06.2021 and is having clean antecedent, 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 Judicial Magistrate 1st Class, Hilsa in connection with Telhara P.S. Case No. 211 of 2020, subject to 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) The petitioner will not commit similar type of offences in future.
- (iv) 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.

V.K.Pandey/-

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(Arun Kumar Jha, J)

