

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64188 of 2021

Arising Out of PS. Case No.-94 Year-2020 Thana- KARAI PARSURAI District- Nalanda

NARESH YADAV, S/O LATE HARDEV GOPE R/o village- Sohpar (Soh Ke Bigha), P.S.- Sahjahanpur, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh

For the Opposite Party/s : Mr.Raj Ballabh Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 30-03-2022 Heard the learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in a case registered for the offences under Sections 461 and 380 of the Indian Penal Code.

The learned counsel for the petitioner submits that the petitioner is in custody since 16.09.2021, charge-sheet has been submitted and has antecedent of four cases and the informant alleges that he is In-charge, Head Master of a Government School, where 13 quintals rice in 26 bags were kept in a room for mid-day meal and the keys were with In-charge, Head Master, Nawlesh Kumar, further on 18.08.2020 at 10 A.M. when the informant reached the school, he found the lock of the room broken and rice missing.

The learned counsel for the petitioner submits that



from perusal of the allegation as alleged in the F.I.R., it would manifest that date of occurrence is 18.08.2020 and the FIR has been instituted on 22.08.2020, i.e., there is delay of 4 days in instituting the FIR without any plausible explanation. Learned counsel further submits that the petitioner has been implicated in the present case on the ground that the rice was recovered from his house and was identified by the In-charge, Head Master, Nawlesh Kumar and the informant. The learned counsel submits that it absolutely does not stand to reason that how can rice be identified by naked eye that it is the same rice which was stolen when no sack was recovered from the house of the petitioner, as such, in absence of any material to connect the rice to be stolen rice, it cannot be said with certainty that the rice found in the house of the petitioner was the stolen one.

The learned A.P.P. opposes the bail application.

Considering the fact that the petitioner is in custody since 16.09.2021, charge-sheet has been submitted and taking into consideration the submissions made by learned counsel for the petitioner and also the delay in instituting the FIR, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the



satisfaction of learned Court below where the case is pending in
connection with Karai Parsurai P.S. Case No. 94 of 2020.

The application stands allowed.

(Satyavrat Verma, J)

sanjeev/-

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

