

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64445 of 2021

Arising Out of PS. Case No.-360 Year-2021 Thana- BEGUSARAI TOWN District- Begusarai

Sunny Mallik @ Sunni Mallik Son of Late Rambilash Mallik @ Rambilash
Mallik Resident of Village - Lohiya Nagar, Ward No.- 28, P.S.- Muffasil
(Lohiya Nagar O.P.), District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate
For the State : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 28-06-2022 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 Town P.S.
Case No. 360 of 2021 registered for the offence under Sections
380, 461 and 411 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 09.06.2021.

The allegation against the petitioner is to commit theft
after break open the mobile shop of the informant.

Learned counsel appearing on behalf of the petitioner
submitted that the alleged CCTV footage, on the basis of which
the name of the petitioner surfaced in the present case, was not



seized by police during the course of investigation. It has further been submitted that the electronic items, which was seized from the house of the petitioner is not matching, in any manner, with the items alleged to be stolen from the shop of the informant. It has further been submitted that no T.I.P. was conducted to identify the alleged seized articles recovered from the house of the petitioner. While concluding the argument, it has also been submitted that petitioner is a man of clean antecedent and moreover, chargesheet has already been submitted in this case, as such there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded that the petitioner is not named in the F.I.R.

Considering the facts and circumstances as mentioned above, as the articles seized from the house of the petitioner is not matching with the articles alleged to be stolen by the petitioner coupled with the fact that no test identification of seized articles was conducted during the course of investigation., let the petitioner, above named, is directed to be released on bail in connection with Town P.S. Case No. 360 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, Begusarai,
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
Fulo Devi, who is the mother of the
petitioner and deponent of the present bail
petition.”

(Chandra Shekhar Jha, J)

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