

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65900 of 2021

Arising Out of PS. Case No.-86 Year-2021 Thana- MANIHARI District- Katihar

Biru Paswan, Son of Late Niranjana Paswan, Resident of Mohalla - O.T. Para,
Katihar, P.S. - Katihar Town, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimal Kumar, Advocate

For the Opposite Party/s : Mr.Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 05-09-2022 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 Manihari P.S. Case No. 86 of 2021 registered for the alleged offences under Sections 413, 414, 295, 295(A), 297, 298, 505 of the Indian Penal Code.

As per prosecution case, petitioner and four unknown miscreants entered into the Temple, breaking its lock and took away Rs. 23,000/- from the '*Danpeti*' and jewellery worth Rs. 1,75,000/- kept in the Temple. They also damaged the statue of Goddess Kali and Bajranjibali. The petitioner was apprehended



from the spot, but other co-accused persons fled away from the spot. One stolen motorcycle was also recovered at the place of occurrence.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case as he has gone to his matrimonial home as his relationship with his wife was not good and a complaint petition has been filed against him by his wife. Maintenance case was also filed by his wife against him. The petitioner went to his matrimonial home to settle the dispute and panchayati was held but the matter was not settled. In the night, the alleged occurrence took place and the villagers handed him over to the police. The prosecution story is not believable as the occurrence took place in the village of matrimonial home of this petitioner. The motorcycle seized from the spot has not been found to be stolen or connected with this petitioner in any manner. One Niranjana Singh who is stated to have raised alarm has not been examined by the police during investigation. Nothing incriminating has been recovered from this petitioner. The petitioner is in custody since 15.04.2021 and the charge-sheet has been submitted in this case. Petitioner is having clean antecedent.

Learned APP opposes the prayer for bail submitting



that the petitioner committed theft in the Temple and took away ornaments of the Goddess and also Rs. 23,000/- in cash and also tried to create communal harmony by damaging idols.

Having regard to the submissions made hereinabove and considering the fact that nothing substantive come up against this petitioner to connect him with the alleged occurrence and further considering the clean antecedent of the petitioner along with submission of charge-sheet and period of custody of the petitioner, he 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 Additional District Judge-IV, Katihar, in connection with Manihari P.S. Case No. 86 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be the deponent, who has sworn the affidavit.
- (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.

(Arun Kumar Jha, J)

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