

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69097 of 2021**

Arising Out of PS. Case No.-65 Year-2021 Thana- SIKARPUR District- West Champaran

CHUNNU ALAM @ CHUNNU MIAN S/O HADISH MIAN R/o village-
Bada Tuniya, Ward No. 11, At Present, Bhola Tola Tikuliya, P.S.- Chanpatia,
District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 15-10-2022 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 Shikarpur
P.S. Case No. 65 of 2021 registered for the offence under
Section 379 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 13.07.2021.

The allegation against the petitioner is to commit theft
and while committing so, taken away motorcycle, belongs to
informant.

Learned counsel appearing on behalf of the petitioner



submitted that name of the petitioner surfaced, during course of investigation, on the basis of confessional statement of co-accused, namely, Hadis Miyan, in furtherance, thereof, nothing incriminating material surfaced/recovered, which may connection this petitioner, *prima facie*, with the present set of theft. It is further pointed out that the petitioner has been implicated, in the present, only of his criminal antecedent, as his name is involved in 06 (six) criminal cases of similar nature, where, he is on bail and his name on maximum occasion surfaced on the basis of confessional statement of co-accused, as of present. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that petitioner is not named in the FIR.

Considering the facts and circumstances as mentioned above, as nothing incriminating material surfaced/recovered, during course of investigation, which may connect this petitioner, *prima facie*, with the present set of theft, where, petitioner is in custody since 13.07.2021 coupled with the fact that charge-sheet has already been submitted, let the petitioner,



above named, is directed to be released on bail in connection with Shikarpur P.S. Case No. 65 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 C.J.M., West Champaran at Bettiah/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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