

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70351 of 2021

Arising Out of PS. Case No.-394 Year-2021 Thana- SONEPUR District- Saran

SHEKHAR SAH @ CHANDRA SHEKHAR SAH, Male, aged about 50 years, Son of Rameshwar Sah @ Ram Ishwar Sah, Resident of Near S.B.I, Paramanandpur, Police Station- Sonapur, District- Siwan, Bihar-841101

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mrs. Roona, Advocate.

For the Opposite Party : Mr. Ashok Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-02-2022 Heard learned counsel for the petitioner and learned counsel for the State through Virtual mode.

Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks.

The petitioner is apprehending his arrest in connection with Sonapur P.S. Case No. 394 of 2021 for the offence registered under Sections 457 and 380 of the I.P.C.

The prosecution story, in brief, is that on 12.07.2021 at 6.00 A.M., the informant went to her parental house and when she returned from there at 9.00 P.M., then she found that lock of her house and box was broken and nine pieces ornaments and cash Rs. 20,000/- was theft away and articles were scattered.



Her *Gotani* apprised that she had seen the petitioner going out from her house taking some articles. On this, when the informant went at the house of the petitioner then she scolded and told to go away. Again after two hours, the petitioner came to the informant to return her Mobile Phone.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. As per allegation, the name of the petitioner has transpired in the present case on the basis of disclosure made by the *Gotani* of the informant who claims to have identified the petitioner while he was leaving the place of occurrence after commission of the alleged occurrence. The time of alleged occurrence has not been disclosed by the *Gotani* of the informant which makes the prosecution story doubtful. Due to the village politics, the name of the petitioner has been dragged in the present case. No incriminating article is said to have been recovered from possession of the petitioner.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances of



the case, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Chapra, Saran, in connection with Sonapur P.S. Case No. 394 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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