

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5919 of 2023

Arising Out of PS. Case No.-170 Year-2022 Thana- GOPALPUR District- Patna

Suraj Kumar Son Of Jounpuri Sahni Resident Of Village- Sabalpur, Bastal,
P.S.- Nadi, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate
For the Opposite Party/s : Ms. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 20-06-2023 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with Gopalpur
P.S. Case No.170 of 2022 registered for the offence under
Sections 461 and 379 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 20.09.2022.

The allegation against the petitioner is to commit
theft in godown of informant alongwith other named and
unknown co-accused persons and while committing so taken
away 77 pieces of battery and certain parts of auto rickshaw.

Learned counsel appearing on behalf of the petitioner
submitted that petitioner has been falsely implicated in the
present case as his name surfaced on the basis of self-confession



while apprehending in Malsalami P.S. Case No.479 of 2022. It is submitted that out of said self-confession nothing incriminating recovered/surfaced during the course of investigation, which may connect petitioner, *prima facie*, with the present occurrence of theft. It is submitted that petitioner was not put on T.I.P. as yet. It is further submitted that similarly situated co-accused has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No.18278 of 2023 vide order dated 12.05.2023. 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 appearing on behalf of the State, opposes the prayer for bail.

In view of the facts and circumstances as mentioned above as save and except self-confession nothing incriminating surfaced/recovered to connect this petitioner, *prima facie*, with the alleged occurrence of theft coupled with the fact that charge-sheet has already been submitted, where petitioner is in custody since 20.09.2022, let above named petitioner is directed to be released on bail in connection with Gopalpur P.S. Case No.170



of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate 1st Class, Patna/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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