

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14559 of 2023

Arising Out of PS. Case No.-596 Year-2021 Thana- SAUR BAZAR District- Saharsa

Jaishankar Kumar Son of Ashok Yadav R/V- Khaira, P.S-Sour Bazar, Dist- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-05-2023 Heard learned counsel appearing on behalf of the petitioner and learned Additional Public Prosecutor appearing on behalf of the State.

Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

The accused/petitioner is not named in the F.I.R. and apprehending his arrest in connection with Sour Bazar P.S. Case No. 596 of 2021 registered for the offences punishable under Sections 379 and 411 of the Indian Penal Code (in short 'I.P.C.').

The allegation against this petitioner is to commit theft and while committing so taken away 39 parcels as hanged with handle of motor-cycle of informant in a bag, which was parked outside a house, when informant was busy with delivery



of parcel packet with customer.

Learned counsel appearing on behalf of the petitioner submitted that name of petitioner surfaced in this case on the basis of confessional statement of one co-accused namely Rahul Kumar where nothing incriminating recovered/surfaced during the course of investigation which may connect this petitioner with present set of occurrence. It is submitted that only mobile was recovered from the possession of this petitioner which belongs to him and furthermore, there is no allegation as per F.I.R. that any mobile was stolen. While concluding the argument it is submitted that petitioner is a man of clean antecedent.

Learned APP for the State opposes the prayer of bail.

Considering the aforesaid facts and circumstances as mentioned above, as no incriminating material recovered/surfaced from the possession of this petitioner, where his name surfaced on the basis of confessional statement of co-accused person, accordingly, the above named petitioner, in the event of his arrest or surrender before the court below within a period of four weeks of this order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction



of the learned Judicial Magistrate 1st Class, Saharsa/concerned Court, where the case is pending in connection with Sour Bazar P.S. Case No. 596 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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