

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16157 of 2023**

Arising Out of PS. Case No.-56 Year-2022 Thana- BISHUNPUR District- Darbhanga

Shyam Kumar @ Shyam Rathaur S/O Baijnath Sah @ Baidhyanath Sah R/O
Mohalla- Jitugachhi, P.S- Town, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha, Adv.
For the Opposite Party/s : Mr. Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 10-05-2023 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Bishanpur P.S. Case No. 56 of 2022 dated 01.05.2022 lodged
under Sections 395 of the I.P.C.

As per the prosecution case, the allegation of loot of
articles mentioned in the F.I.R. are there against three unknown
accused persons.

Learned counsel for the petitioner submits that the
F.I.R. has been lodged under Section 392 of I.P.C. but charge-
sheet has been submitted under Section 395 of I.P.C.

Counsel further submits that nothing was recovered
from the possession of the petitioner and no T.I.P. was made.

Counsel also submits that there are three criminal cases pending against the petitioner in which two cases are relating to Section 392 of I.P.C. and one case is relating to 395 of I.P.C. and in all the cases, he is on bail. Counsel submits that petitioner is in custody since 04.08.2022.

Learned counsel for the State opposes the prayer for bail and submits that this is case filed under magisterial triable but charge-sheet has been filed under sessions triable. Counsel also submits that antecedent of the petitioner is not clean.

Upon specific query whether charge has been framed or not. As per the knowledge of counsel, charge has not been framed till date.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner. Therefore, the bail application of the petitioner is hereby rejected but liberty is hereby granted to the petitioner that he may renew his prayer for bail after framing of charge.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

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