

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23034 of 2023

Arising Out of PS. Case No.-257 Year-2022 Thana- SARSI District- Purnia

Chhotu Kumar Jha @ Chhotu Kumar son of Late Kishore Jha Village- Bela
Champawati Ps- Sarsi Dist- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijendra Kumar Singh, Advocate

For the Opposite Party/s : Mr.Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Sarsi P.S. Case No. 257 of 2022 registered on 07.11.2022 for the alleged offences under Sections 457, 380 and 411 of the Indian Penal Code.

3. As per prosecution case, a theft was committed in the locked house of the informant and apart from gold and silver ornaments a number of household articles were stolen by the thieves. The informant named the petitioner due to his suspicious activities for being involved in the theft.

4. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. The



informant has not mentioned the specific date of the occurrence in his written report, but it appears the matter has been reported after 16 days. The petitioner was not apprehended from the spot and no recovery has been shown from his possession. Whatever recovery is being shown from the house of the petitioner, the same belongs to the petitioner who is an electrician and his wife used to do tailoring work. None of the articles recovered from the house is a stolen one. Learned counsel further submits that there is land dispute between the owner of the house of the informant and the petitioner and this false case has been lodged in connivance with the police. The petitioner is in custody since 08.11.2022 and charge-sheet has been submitted. Petitioner is having clean antecedent.

5. Learned APP opposes the prayer for bail.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the clean antecedent of the petitioner along with the period of his custody and the submission of charge-sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-Ist Class, Purnea/court concerned in



connection with Sarsi P.S. Case No. 257 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

himanshu/-

U		T	
---	--	---	--

