

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25348 of 2023

Arising Out of PS. Case No.-94 Year-2022 Thana- BETTIAH CITY District- West
Champaran

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HIMANSHU PATEL Son of Laxman Patel @ Laxman Prasad R/V- Rajgure
Chawk, PS- Kali Bag (O.P) Dist- West Champaran Bettiah

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Namrata Mishra, Advocate

Mrs. Archana Jha, Advocate

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 27-06-2023 Heard learned counsel appearing on behalf of the

parties.

The petitioner seeks bail in connection with Bettiah
Town (Kalibagh O.P.) P.S. Case No. 94 of 2022 registered for
the offence under Sections 427, 435 and 436 of the Indian Penal
Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 20.02.2022.

The allegation against the petitioner is to cause
mischief by fire and while committing so, put godown of
informant on fire, where, during course of occurrence, 04
vehicles, agricultural equipments and other items of godown
burned.



Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced, during course of investigation, on the basis of CCTV footage, where, he was identified as the same person, who alleged to found jumping from the boundary-wall of godown at about 12:20 AM. It is submitted that from the narration of the FIR itself, fire in alleged godown developed at about 01:00 AM, much after, petitioner found jumping outside from godown. It is further submitted that charge-sheet has filed in this case, without obtaining mandatory certificate under Section 65(b) of the Indian Evidence Act, as entire evidence of occurrence is based upon electronic evidence. While concluding the argument, it is submitted that petitioner found involved in 01 more case, where, he is on bail and moreover, investigation of this case has completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as occurrence took place much after the exit of this petitioner from alleged godown where occurrence took place, as per CCTV footage, which is apparent from narration of FIR



itself coupled with the fact that charge-sheet has already submitted, where, petitioner is in custody since 20.02.2022, let the petitioner, above named, is directed to be released on bail in connection with Bettiah Town (Kalibagh O.P.) P.S. Case No. 94 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 learned C.J.M., West Champaran, Bettiah/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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