

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.29897 of 2023**

Arising Out of PS. Case No.-1188 Year-2022 Thana- PHULWARISHARIF District- Patna

Akash Kumar, S/o Mangal Rai @ Vinay Rai, Resident of Village-Bagha Tola  
P.S. -Janipur District-Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr. Raj Kishor Prasad, Advocate

For the Opposite Party/s : Ms. Indu Kumari Srivastava, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

3      04-07-2023                      Heard learned counsel for the petitioner and  
learned Additional Public Prosecutor for the State.

The accused/petitioner seeks bail in connection  
with Phulwarisharif (Janipur) P.S. Case No.1188 of 2022  
registered for the offences punishable under Sections 380 and  
457 of the Indian Penal Code.

The accused/petitioner is named in the FIR and is  
in custody since 28.09.2022.

Allegation against the petitioner is to commit theft  
in the house of informant and while committing so, taken away  
two wrist watch and four pieces of golden jewelleryes as per  
descriptions available through seizure list, which is the part of  
FIR itself.

It is submitted by learned counsel that merely on  
the basis of suspicion as petitioner was found roaming on street,



named in the present case and also as he found involved in three other criminal cases, where he is on bail. It is submitted that seizure list was prepared at 12:30 hours on 27.09.2022 but, the police raiding party proceeded for raid at about 13.05 hours, creating a further doubt towards alleged seizure which appears much earlier to the raid. It is also pointed out that the recovered articles not put on identification as to connect the petitioner with present occurrence. While concluding argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer for grant of bail to the petitioner.

In view of above-mentioned facts and circumstances and by taking note of fact that the basis of implication is suspicion as petitioner found roaming in street near the house of informant as per FIR itself, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 28.09.2022, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-XIV,



Patna in connection with Phulwarisharif (Janipur) P.S. Case  
No.1188 of 2022, subject to the conditions as laid down under  
Section 437(3) of the CrPC.

**(Chandra Shekhar Jha, J.)**

Sanjeet/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

