

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31589 of 2023**

Arising Out of PS. Case No.-130 Year-2022 Thana- RAGHUNATHPUR District- Siwan

Monu Paswan son of Chanu Manjhi Village- Murarpatti Ps- Raghunathpur
Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mrs. Rita Verma, APP

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

2 21-06-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Ragunathpur P.S. Case No. 130 of 2022 registered for the
offence under Sections 379 and 356 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 21.12.2022.

The allegation against this petitioner is to commit
theft along with other co-accused persons, while committing so
taken away ATM Card, Samsung Mobile and cash of Rs. 5,000/-
belongs to informant.

Learned counsel appearing on behalf of the petitioner



submitted that petitioner was implicated falsely and his name was raised by unknown passer-by on the basis of suspicions. It is submitted that no incriminating material was recovered /surfaced during the course of investigation from this petitioner arises out of suspicion, as raised through F.I.R. to connect him, *prima facie*, with present occurrence. While concluding the argument, it has been submitted that petitioner found involved in 5 more criminal case where he is on bail in 3 cases and moreover, investigation of this case is already completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as save and except suspicion nothing appears, *prima facie*, to connect petitioner with present occurrence of theft coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 21.12.2022, accordingly the petitioner, above named, is directed to be released on bail in connection with Raghunathpur P.S. Case No. 130 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 Judicial Magistrate, 1st Class, Siwan/concerned Court,



subject to the conditions as mentioned under Section 437(3) of the Cr.P.C., with further conditions:-

“(i) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(ii) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.”

(Chandra Shekhar Jha, J)

Archana/-

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