

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30957 of 2023

Arising Out of PS. Case No.-237 Year-2022 Thana- RAFIGANJ District- Aurangabad

Saryu Ram, Son of Late Shivnandan Ram, R/o-Banahi, P.S.-Pauthu, Distt.-
Aurangabad.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Binod Kumar Pandey, Advocate
For the Opposite Party/s : Mrs. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 04-08-2023 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection
with Rafiganj P.S. Case No.237 of 2022 registered for the
offences punishable under Sections 147, 148, 149, 452, 458,
307, 379 of the Indian Penal Code and Section 27 of the Arms
Act.

3. The accused/petitioner is not named in the FIR and
is in custody since 13.07.2022

4. Allegation against the petitioner is commit theft in
the house of informant along with unknown co-accused persons
and while committing so, taken away cash of Rs.10,000/-
belongs to informant. It is further alleged that occurrence took
place with 15-20 unknown persons.



5. It is submitted by learned counsel that the name of petitioner surfaced during the course of investigation on the basis of confessional statement of co-accused, Manish, in furtherance of which, no incriminating material recovered/surfaced as to connect the petitioner *prima facie* with the present occurrence of theft. It is submitted that the petitioner was not put on TIP as yet. While concluding argument, it is submitted that the petitioner was found involved in one more criminal case, where he is on bail and moreover 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.

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

7. In view of above-mentioned facts and circumstances and by taking note of fact as save and except suspicion arises out of confessional statement of co-accused, nothing appears incriminating against this petitioner as to connect him *prima facie* with present occurrence of theft, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 13.07.2022, 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 Chief Judicial Magistrate, Aurangabad in connection with Rafiganj P.S. Case No.237 of 2022, subject to the conditions as laid down under Section 437(3) of the CrPC.

(Chandra Shekhar Jha, J.)

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