

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34859 of 2023

Arising Out of PS. Case No.-216 Year-2021 Thana- KOPA District- Saran

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Raja Sah @ Raja Kumar Sah Son Of Raj Kumar Sah Resident Of Village -
Enayatpur, P.S. - Daudpur, Distt. - Saran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shams Akhtar, Advocate

For the Opposite Party/s : Ms. Meena Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 31-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Kopa
P.S. Case No.216 of 2021 registered for the offence under
Sections 379 and 411 of the Indian Penal Code.

3. The accused/petitioner is not named in the F.I.R.
and is in custody since 26.08.2022.

4. The allegation against the petitioner is to commit
theft alongwith other unknown co-accused persons and while
committing so taken away two motorcyle belongs to informant.

5. Learned counsel appearing on behalf of the
petitioner submitted that the name of this petitioner surfaced in
the present case during the course of investigation on the basis
of confessional statement of co-accused, namely Pawan Kumar



Yadav, and in furtherance thereof no incriminating material recovered/surfaced to connect this petitioner, *prima facie*, with the present occurrence of theft. It is also submitted that alleged motorcycle not appears to be recovered from this petitioner as per seizure list and as same appears to be recovered from co-accused Pawan Kumar Yadav and Prakash Kumar Mahto. It is also submitted that petitioner was not put on T.I.P., as yet. While concluding the argument, it is submitted that petitioner found involved in five more cases, where he is on bail and in maximum of the cases his name surfaced on the basis of confessional statement of co-accused otherwise having no bearing over the merit of this case and moreover, investigation of this case has been completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

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

7. In view of the facts and circumstances as mentioned above as save and except confessional statement of co-accused nothing appears incriminating against this petitioner as to connect, *prima facie*, with the present occurrence of theft coupled with the fact that charge-sheet has already submitted,



where petitioner is in custody since 26.08.2022, accordingly, petitioner, above named, is directed to be released on bail in connection with Kopa P.S. Case No.216 of 2021 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-Ist Class, Saran at Chapra/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

S.Tripathi/-

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