

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.34045 of 2023**

Arising Out of PS. Case No.-60 Year-2023 Thana- SIMRI District- Buxar

Phutlali Nat @ Bihari Nat @ Bhutnali Nat Son of Late Muttur Nat Resident  
Of Village- Udiyanganj (Chhatnawar), Ps- Krishnabrahm, Distt- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Anand Kumar Ojha, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

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

2      26-06-2023                      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 Simri  
(Dera O.P.) P.S. Case No. 60 of 2023 registered for the offence  
under Section 395 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and  
is in custody since 25.02.2023.

The allegation against this petitioner is to commit  
dacoity in the house of informant alongwith other unknown co-  
accused persons and while committing so taken away ear-rings,  
cow, buffalo, calf etc. belongs to informant.

Learned counsel appearing on behalf of the petitioner



submitted that petitioner implicated falsely with present case as certain differences related with money dispute arises due to sell proceeding of cattle by informant to petitioner. It is submitted that in view of the fact as stated above, the TIP and subsequent identification of petitioner by informant cannot be said in accordance with law. It is submitted that recovery not appears to be made from the conscious physical possession of this petitioner. While concluding the argument, it has been submitted that petitioner found involved in six more cases, where he has already acquitted in three cases and in remaining three cases he is on bail and moreover, investigation of this case is completed, for which charge-sheet has already 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 alleged ear-rings, cow, buffalo, calf etc. were not appears to be recovered from the conscious physical possession of this petitioner, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 25.02.2023, accordingly the petitioner, above named, is directed to be released on bail in connection with Simri (Dera O.P.) P.S. Case No. 60 of 2023 on furnishing bail bond of Rs.10,000/-



(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Buxar/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

**(Chandra Shekhar Jha, J)**

Archana/-

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