

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33191 of 2023

Arising Out of PS. Case No.-299 Year-2021 Thana- BALIYA District- Begusarai

AMARJEET PASWAN Son of Ashok Paswan Resident of village - Chhoti
Ballia, P.S. - Ballia, Distt. - Begusarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ebadur Rahman Shakeb, Advocate

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-06-2023 Heard learned counsel appearing on behalf of the
parties.

The petitioner seeks bail in connection with Balia P.S.
Case No. 299 of 2021 registered for the offence under Sections
461 and 379 of the Indian Penal Code and later on Section 411
and 413 of Indian Penal Code was added.

The accused/petitioner is not named in the F.I.R. and
is in custody since 18.03.2023.

The allegation against the petitioner is to commit theft
in the shop of informant, along with other co-accused persons
and while committing so, taken away different items of shop.

Learned counsel appearing on behalf of the petitioner
submitted that name of the petitioner surfaced on self
confession, during course of investigation. It is submitted that



merely on the ground of recovery of one *Khanti*, from house of petitioner, which is very common house hold article, the present implication of petitioner was made having otherwise no bearing over the merit of case. It is submitted that similarly situated co-accused person, namely, Govind Paswan has already granted bail by one of the co-ordinate Bench of this Court through Cr. Misc. No. 10002 of 2022 dated 05.07.2022. While concluding the argument, it is submitted that investigation of this case has completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

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

Considering the facts and circumstances as mentioned above, as no incriminating stolen articles recovered from the possession of this petitioner, where, implication is *prima facie* made on the basis of recovery of one *Khanti*, which is very much common house hold article coupled with the fact that charge-sheet has already submitted, where, petitioner is in custody since 18.03.2023, let the petitioner, above named, is directed to be released on bail in connection with Balia P.S. Case No. 299 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 Chief Judicial Magistrate,
Begusarai/concerned court, subject to the condition as
mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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