

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36216 of 2023

Arising Out of PS. Case No.-540 Year-2022 Thana- MADHUBANI TOWN District-
Madhubani

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Md. Danish, Son of Md. Irfan Resident of Village- Parri, Sonki, PS- Sonki,
District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Bharti, Advocate
For the Opposite Party/s : Mr.Ajay Kumar No. 2, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Madhubani (Town) P.S. Case No. 540 of 2022, lodged on
29.12.2022 under Sections 461 and 379 of the Indian Penal
Code.

3. As per the prosecution case, the FIR has been
lodged against the petitioner with an allegation of committing
theft of electronic articles from the shop -cum- service centre of
the informant.

4. Learned counsel for the petitioner submits that
though the recovery has been shown from the house of the
petitioner, but the seizure list suffers from defect of compliance



of Section 100 of the Code of Criminal Procedure. The petitioner is in custody since 31.12.2022 having clean antecedent and the chargesheet has already been filed in this case.

5. Learned counsel for the State opposes the prayer for bail and submits that from the rejection order, it transpires that the theft articles have been recovered from the house of the petitioner and the petitioner had been identified in the CCTV footage.

6. Upon specific query from the counsel for the petitioner whether the charge has been framed or not, learned counsel for the petitioner submits that he is not aware about the fact whether the charge has been framed or not ?

7. In the present facts and circumstances, I am not inclined to grant regular bail to the petitioner.

8. Accordingly, the prayer for regular bail of the petitioner in connection with Madhubani (Town) P.S. Case No. 540 of 2022, pending before the learned Judicial Magistrate, 1st Class, Madhubani is hereby rejected.

9. However, the petitioner would be at liberty to renew the prayer for bail after framing of the charge. The trial Court is directed to release the petitioner after framing of the



charge by imposing its own condition so that the petitioner may not evade appearance on the date fixed.

10. With this observation, the bail application stands disposed of.

(Dr. Anshuman, J)

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