

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38598 of 2023

Arising Out of PS. Case No.-212 Year-2023 Thana- MOTIHARI TOWN District- East
Champaran

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Rajendra Kumar S/O Medu Ram R/O Harkaina, Ps. Muffasil Motihar, Dist.
East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kundan Rathore, Advocate
For the Opposite Party/s : Ms. Meena Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 19-07-2023 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

Motihari Town P.S. Case No. 212 of 2023 registered for the

offence under Sections 457 and 380 of the Indian Penal Code.

3. The accused/petitioner is not named in the F.I.R.

and is in custody since 28.03.2023.

4. The allegation against the petitioner is to commit

theft alongwith other co-accused persons in the house of

informant and while committing so taken away cash of Rs.

1,50,000/- and several jewellery made of gold/silver, two

laptops, three mobile phones, one tab and three wrist watches.

5. Learned counsel appearing on behalf of the



petitioner submitted that the petitioner is *bona fide*, purchaser of the alleged recovered laptop, where nothing appears during the course of investigation that he was under knowledge that the laptop, which was purchased by him was stolen and subject of the present case. It is further submitted as entire implication is based upon electronic evidence, therefore submission of chargesheet against petitioner without obtaining mandatory certificate under Section 65-B of the Indian Evidence Act, implication is appearing bad in eyes of law. While concluding the argument, it is submitted that petitioner found involved in one more case, where he is on bail 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 and by taking note of the nature of allegation coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 28.03.2023, accordingly petitioner, above named, is directed to be released on bail in connection with Motihari Town P.S. Case No. 212 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 Chief Judicial Magistrate, Motihari, East Champaran/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C. with further condition :-

(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

S.Tripathi/-

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(Chandra Shekhar Jha, J.)

