

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38228 of 2023

Arising Out of PS. Case No.-781 Year-2022 Thana- GARDANIBAG District- Patna

JITENDAR KUMAR Son of Ram Lagan Rai @ Ram Lakhan Rai Resident of
Village - Pahleja, Sonapur Diyara, P.S.- Sonapur, District - Saran at Chapra
(Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Niranjana Parihar, Advocate

For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 12-07-2023 Heard learned counsel appearing on behalf of the
parties.

The petitioner seeks bail in connection with
Gardanibagh P.S. Case No. 781 of 2022 registered for the
offence under Section 379 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 06.03.2023.

The allegation against the petitioner is to commit
theft, while committing so, taken away a Scorpio vehicle
belongs to informant, along with other co-accused persons.

Learned counsel appearing on behalf of the petitioner
submitted that name of petitioner surfaced in present case, on
the basis of confessional statement of apprehended co-accused



person, namely, Nikhil Mishra, where, in furtherance of no incriminating materials recovered/surfaced against this petitioner, as to connect him, *prima facie*, with present occurrence of theft. It is submitted that petitioner was not put on TIP, as yet. It is submitted that petitioner named with present FIR, out of suspicion, arises out of his criminal antecedents also as he found involved in 05 more criminal cases, where, he is on bail and in maximum of cases, he was implicated on the basis of confessional statement of co-accused, as of present case. While concluding the argument, it is submitted that 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 appearing on behalf of the State, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above and by taking note of fact that save and except suspicion, arises out of criminal antecedents, no incriminating material surfaced/recovered, during course of investigation, against this petitioner coupled with the fact that charge-sheet has already been submitted, where, petitioner is in custody since 06.03.2023, let the petitioner, above named, is directed to be



released on bail in connection with Gardanibagh P.S. Case No. 781 of 2022, 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, 1st Class, Patna/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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