

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44511 of 2022

Arising Out of PS. Case No.-123 Year-2022 Thana- KESARIA District- East Champaran

LADDU SAH, Son of Panna Lal Sah Resident of village - Lohargawa Tola,
P.S.- Kesariya, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 25-04-2023 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks pre-arrest bail in connection with Kesariya P.S. Case No. 123 of 2022 registered for the offences punishable under Sections 457, 380, 34, 354(B) of the Indian Penal Code.

3. As per the allegation made in the FIR, accused persons named in the FIR including the petitioner entered into the house of informant and committed theft of ornament, cash of Rs. 30,000/- and other household articles.

4. Learned counsel appearing on behalf of the petitioner submits that petitioner has falsely been implicated in the present case. He is next door neighbour and both the parties used to help each other as per their general need of money to meet their affairs. The petitioner has helped the informant with substantial amount of money which the informant has not returned. When the petitioner



started demanding, the F.I.R. has been lodged.

5. Learned A.P.P. appearing on behalf of the State has vehemently opposed the prayer for granting of bail.

6. Considering the nature of allegation made in the FIR, as well as, the fact that neither specific allegation with respect to extortion of money has been made nor any document has been adduced in support of the allegation, the petitioner appears to have made out a prima facie for release on per-arrest bail.

7. Let the petitioner, named above, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari, in connection Kesariya P.S. Case No. 123 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure and with a further condition that if the statement made in paragraph No.3 of the present bail application with respect to the criminal antecedent of the petitioner is found to be incorrect, this order will automatically will lose its force.

(Purnendu Singh, J)

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