

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64214 of 2023

Arising Out of PS. Case No.-18 Year-2023 Thana- MADHAURAH District- Saran

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Santosh Sharma @ Santosh Kumar Sharma, (Male), aged about 28 years, Son of Mohan Sharma, Resident of Village -Mardhaura, P.S.- Mardhaura, District- Saran, Chapra.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Avinash Kumar Pandey, Advocate
For the Opposite Party : Mr. Md. Iftekhar Mahmood, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 23-11-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in connection with Madhaura P.S. Case No. 18 of 2023 dated 10.01.2023 registered for the offences punishable under Sections 379 and 411/34 of the I.P.C.

4. As per the prosecution case, the petitioner is alleged to have committed theft of iron of Madhaura Sugar Mill.



5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. The petitioner has been named in the present case on the basis of the confessional statement of the co-accused Manish Kumar who is the full brother of the petitioner. It is further submitted that there is land dispute between the petitioner and the co-accused Manish Sharma. The petitioner is a young boy aged about 28 years and he is working in Gujarat and he was not present on the alleged date and place of occurrence. There is no compliance of Section 100 of Cr.P.C. The petitioner has one criminal antecedent in which he is on bail as stated in paragraph no. 3 of the bail application.

6. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Saran at Chapra in connection with Madhoura P.S. Case No. 18 of 2023, subject to the condition as laid down under Section



438(2) of the Code of Criminal Procedure.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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