

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64009 of 2022

Arising Out of PS. Case No.-380 Year-2022 Thana- SHASTRINAGAR District- Patna

Vishal Kumar @ Chhotu S/o Lal Babu Singh R/o- Ganga Tola, P.S.- Maner,
District- Patna A/p - Nandani Path Patelnagar, P.S.- Sastrinagar, District-
Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Jiban Pd. Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-02-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Shastrinagar P.S. Case No. 380 of 2022 registered for the
offence under Sections 380 and 411 of the Indian Penal Code
(for short 'I.P.C.').

The accused/petitioner is not named in the F.I.R. and
is in custody since 03.07.2022.

The allegation against the petitioner is to commit theft
in the house of informant and while committing so taken away
battery.



Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner surfaced on the basis of secret input and CCTV footage. It is also pointed out that no TIP was conducted, as yet and also no mandatory certificate, as required under Section 65(B) of the Indian Evidence Act, was obtained during the course of investigation as entire implication is based upon electric evidence. It is also pointed out that the co-accused from whom the alleged battery was recovered has already been granted bail by learned Lower Court itself. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP for the State opposes the prayer of bail.

Considering the facts and circumstances as mentioned above and by taking note of the allegations, where mandatory certificate, as required under Section 65(B) of the Indian Evidence Act, admittedly not available coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Shastrinagar P.S. Case No. 380 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 Additional
Chief Judicial Magistrate-IV, Patna/concerned court, subject to
the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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