

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62051 of 2022

Arising Out of PS. Case No.-371 Year-2022 Thana- CHHATAUNI District- East Champaran

Raushan Kumar Son of Naresh Sah R/o Ashogi, P.S.- Baiganiya, District -
Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Patanjali Rishi, Adv.

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 24-02-2023 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Chhatauni P.S. Case No. 371 of 2022 lodged under Sections
379, 328 of the I.P.C.

As per the prosecution case, the allegation made in the
F.I.R., it has been alleged that the accused persons have taken
the vehicle from the driver of the informant by providing him
spurious material by which the driver of the informant become
unconscious and taken the *Scorpio* vehicle. Subsequently, for
the event of theft of *Scorpio* vehicle with mobile, the present
F.I.R. has been filed.

Learned counsel for the petitioner submits that upon
minute reading of the F.I.R., it transpires that 90% of the content
of F.I.R. is based on hearsay material. Only a few part is the

correct content and that is the *Scorpio* of the informant was subject to theft and the key of the *Scorpio* was recovered from the pocket of the petitioner.

Counsel further submits that petitioner's antecedent is clean and he is in custody since 17.07.2022. He submits that there are 2 sections attached in the F.I.R., Section 328 and Section 379. The material of Section 328 is based on hearsay evidence but content of Section 379 is there. He submits that it is a magisterial triable offence and petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran in connection with Chhatauni P.S. Case No. 371 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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