

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67799 of 2022

Arising Out of PS. Case No.-209 Year-2022 Thana- MOKAMAH District- Patna

1. Vishal Pandey Son of Shri Arvind Pandey R/O Village- Sokhara Bus Stand (Barauni), P.S.- Fulwaria, District- Patna
2. Arvind Tiwari Son of Late Rabindra Tiwari R/O Village- Sokhara Bus Stand (Barauni), P.S.- Fulwaria, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 14-03-2023 Heard learned counsel appearing on behalf of the
petitioners 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 petitioners seek bail in connection with Mokama
P.S. Case No. 209 of 2022 registered for the offence under
Section 379 of the Indian Penal Code.

The accused/petitioners are not named in the F.I.R.
and are in custody since 28.07.2022.

The allegation against the petitioners is to commit
theft alongwith other co-accused persons and while committing
so taken away cash of Rs.1,50,000/- from the bag belongs to
informant.



Learned counsel appearing on behalf of the petitioners submitted that the name of petitioners surfaced in present case on the basis of suspicion, as raised through description provided on the basis of CCTV footage. It is further submitted that as per CCTV footage the persons who alleged to commit the offence were in black t-shirt and white t-shirt but no such t-shirts were recovered during the course of investigation to connect petitioners with present occurrence. It is also submitted that the alleged recovery of Rs. 13,000/- from the possession of petitioners is without any details and denominations and in want of same, petitioners cannot be connected with the alleged stolen money. Learned counsel further submitted that both petitioners are cloth merchants and to have in possession of Rs. 13,000/- is appearing very natural in connection with their business activities. While concluding the argument, it has been submitted that petitioners are men of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as alleged recovered currency notes is without any



details and denominations to connect petitioner, *prima facie*, with present occurrence of theft, coupled with the fact that charge-sheet has been submitted, let both the petitioners, above named, are directed to be released on bail in connection with Mokama P.S. Case No. 209 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, II, Barh/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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