

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65399 of 2022

Arising Out of PS. Case No.-299 Year-2021 Thana- BALIYA District- Begusarai

Shivam Kumar @ Shiva Paswan @ Shivam Son of Suresh Paswan R/v-
Paswan tola, Chhoti Ballia, Akhtiyarpur, ward no. 13, P.S.- Ballia, District-
Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-02-2023 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 Balia P.S.
Case No. 299 of 2021 registered for the offence under Sections
461 and 379 of the Indian Penal Code (for short 'I.P.C.') and
later on Sections 411 and 413 of the I.P.C. has been added.

The accused/petitioner is not named in the F.I.R. and
is in custody since 21.07.2022.

The allegation against the petitioner is to commit theft
in the shop of the informant and other surrounding shops and
while committing so taken away edible oils and other items



worth Rs. 9,00,000/- (Rupees Nine Lac).

Learned counsel appearing on behalf of the petitioner submitted that the name of the petitioner surfaced during the course of investigation on the basis of secret input as made available by police spy. It is pointed out that on the basis of suspicion and confession of co-accused, namely, Sunil Paswan, the name of petitioner appears in this case, where nothing surfaced/recovered during the course of investigation, which may connect this petitioner with present set of occurrence. It is also pointed out that co-accused Sunil Kumar has already been granted bail by this Court through Cr. Misc. No. 11095 of 2022 vide order dated 06.07.2022. It is also pointed out that petitioner was not put on TIP, as yet. While concluding the argument, it has been submitted that petitioner found involved in one more criminal case, where he is on bail 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, as no incriminating material recovered/surfaced in furtherance of confessional statement of co-accused, which may connect this petitioner with present set of occurrence 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 Ballia P.S. Case No. 299 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Begusarai/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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