

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65069 of 2022

Arising Out of PS. Case No.-289 Year-2022 Thana- NATHNAGAR District- Bhagalpur

Rahul Yadav @ Happa, Son of Bagro Yadav, R/v- Raghopur Tikkar P.S.
Lalmatiya Nathnagar District- Bhagalpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Anupa Nand Jha, Advocate

For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 25-02-2023 Heard learned counsel appearing on behalf of the
petitioner and learned Additional Public Prosecutor for the
State.

The petitioner seeks bail in connection with
Nathnagar (Lalmatiya) P.S. Case No.289 of 2022 registered for
the offence punishable under Sections 457 and 380 of the Indian
Penal Code.

The petitioner/accused is not named in the first
information report and is in custody since 20.06.2022.

The allegation against the petitioner is to commit
theft in the godown of informant along with other co-accused
persons and while committing so, taken away cloth having value
of Rs.12 lakhs.

It is submitted by learned counsel appearing for the
petitioner that he has been falsely implicated in the present case,



where his name surfaced during the course of investigation on the basis of confessional statement of co-accused, namely, Vikash Kumar, in furtherance of which, no incriminating material recovered/surfaced during the course of investigation, which may connect the petitioner with present occurrence of theft. It is submitted that similarly situated co-accused person, namely Raj Kumar Choudhary has already been granted bail by one of the learned co-ordinate Bench of this Court vide order dated 14.12.2022 passed in Cr. Misc. No.51151 of 2022. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which the charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer for grant of bail to the petitioner.

In view of the above-mentioned facts and circumstances as no incriminating material recovered from the possession of the petitioner to connect with present occurrence of theft, coupled with the fact that charge-sheet has already been submitted, let the above-named petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of the learned Judicial Magistrate-1st Class,
Bhagalpur in connection with Nathngar (Lalmatiya) P.S. Case
No.289 of 2022, subject to the conditions as mentioned under
Section 437(3) of the Code of Criminal Procedure.

(Chandra Shekhar Jha, J.)

Sanjeet/-

U		T	
---	--	---	--

