

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70487 of 2022

Arising Out of PS. Case No.-53 Year-2021 Thana- KUMAR KHAND District- Madhepura

Suraj Goswami @ Suraj Goswani S/O Deepak Goswami R/O Village-
Kumarkhand P.S- Kumarkhand And District- Madhepura

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinesh Prasad Verma, Advocate
For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 16-03-2023 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
Kumarkhand P.S. Case No. 53 of 2021 registered for the offence
under Sections 461, 380/34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 06.05.2022.

The allegation against the petitioner is to commit theft
in the shop of the informant alongwith other co-accused persons
and while committing so taken away cash of Rs. 1,200/-
alongwith one container having 5 litres of mustard oil.

Learned counsel appearing on behalf of the petitioner



submitted that merely on the basis of suspicion, as petitioner alongwith other co-accused persons entered into hot exchanged argument in day time with informant, petitioner was falsely implicated in present case. It is further submitted that the maximum allegation, as per F.I.R. is that petitioner alongwith other co-accused persons were found running away from the shop of informant, while informant arrived there. It is also submitted that no incriminating material was recovered from the possession of petitioner to connect with present occurrence of theft. While concluding the argument, it has been submitted that petitioner found involved in two more criminal cases, where he is on bail 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 no incriminating material recovered from petitioner, who is in custody since 06.05.2022, coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Kumarkhand P.S. Case No. 53 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 Chief Judicial Magistrate, Madhepura/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Archana/-

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