

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68087 of 2022

Arising Out of PS. Case No.-20 Year-2022 Thana- SABAUR District- Bhagalpur

BINOD KUMAR SAH Son of Arjun Sah Resident of Village- Badi Hat
Sabour, P.S.- Sabour, District- Bhagalpur

... .. Petitioner/s

Versus

The State Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 14-03-2023 Heard learned counsel appearing on behalf of the parties.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Sabour P.S. Case No. 20 of 2022 registered for the offence under Sections 379, 411 and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 17.01.2022.

The allegation against the petitioner is to commit theft in Government go-down and while committing theft, he was apprehended with “scrap lightning arrester” by private security guard of go-down.

Learned counsel appearing on behalf of the petitioner



submitted that petitioner is an innocent person and falsely implicated in the present case, only for the reason that he was in inimical terms with security guard of alleged go-down, for the reason that there was a payment dispute with petitioner and security guard arises out of sell and purchase of eggs, as petitioner was dealing with eggs selling by placing his stall near the gate of go-down. It is submitted that arrest was made by private person, where, petitioner was produced firstly before Assistant Executive Engineer, from where, he was produced before local police. It is also submitted that entire prosecution is false for the reason that seizure list is not bearing signature of this petitioner, which is clearly indicating the fact that alleged stolen goods were not recovered from the physical possession of the petitioner. 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, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, appearing on behalf of the State, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as arrest of petitioner appears to be made by private



persons, where seizure list is disputed as same is not bearing signature of this petitioner, where, petitioner is a man of clean antecedent coupled with the fact that charge-sheet has already submitted, let the petitioner, above named, is directed to be released on bail in connection with Sabour P.S. Case No. 20 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 C.J.M., Bhagalpur/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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