

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70238 of 2022

Arising Out of PS. Case No.-335 Year-2021 Thana- MOKAMAH District- Patna

Kanhaiya Kumar @ Chuhwa Son of Jay Singh R/O Village- Tarbanna Tola,
Ward No.11, P.S.- Mokama, District- Patna

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Manglam, Advocate

For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 29-03-2023 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 Mokama
P.S. Case No. 335 of 2021 registered for the offence under
Sections 461 and 379 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 10.08.2022.

The allegation against the petitioner is to commit theft
from the shop of informant and while committing so taken away
coins for a value of Rs. 39,600/-.

Learned counsel appearing on behalf of the petitioner
submitted that allegation, as it appears from the face of F.I.R., is



purely based upon suspicion as petitioner found roaming around the shop of informant two days prior to this occurrence. It is further submitted that petitioner is in inimical term with informant as father of informant also lodged a case against this petitioner, which has been registered as Mokama P.S. Case No. 205 of 2022. It is also pointed out that no incriminating material recovered from the possession of this petitioner during the course of investigation, which may connect petitioner, *prima facie*, with the allegation, as raised against him out of suspicion. While concluding the argument, it has been submitted that 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/coins recovered from the possession of this petitioner to connect petitioner, *prima facie*, with the present allegation, as raised through F.I.R., 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 Mokama P.S. Case No. 335 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 Additional Chief Judicial Magistrate, Barh,
Patna/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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