

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74871 of 2023

Arising Out of PS. Case No.-270 Year-2013 Thana- HARNAUT District- Nalanda

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Santosh Kumar @ Santosh Kumar Thathera @ Santosh Thathera Son Of
Kishori Prasad Resident of Village - Sammaspur, P.S. - Fatuha, District –
Patna Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rudra Deo, Advocate

For the Opposite Party/s : Ms. Asha Devi, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 02-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Harnaut
P.S. case No. 270 of 2013 instituted for the offences under
Sections 395 and 397 of the Indian Penal Code.

3. Prosecution allegation, as per F.I.R., is that
unknown miscreants have committed theft in the transformer
repairing workshop of the Bihar State Electricity Board, Patna
situated in the district of Jehanabad, whereafter they had stolen
copper wire and other articles from the store room.

4. It has been submitted on behalf of the petitioner that
the petitioner is in custody since 24.07.2023 and has two
criminal antecedents. The petitioner has falsely been implicated
in the present case. The name of the petitioner has been dragged
in this case on the basis of confessional statement of the co-
accused, Sanjay Thathera, who has already been granted bail by



the co-ordinate Bench of this Court vide order dated 17.01.2023 passed in Cr. Misc. No. 58719 of 2022. He further submitted that T.I.P. has not been held in this case.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Harnaut P.S. case No. 270 of 2013, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Alok Verma/-

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