

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72785 of 2022

Arising Out of PS. Case No.-42 Year-2018 Thana- PALASI District- Araria

Shankar Tatma @ Shankar Kumar Tatma, Son of Late Shrawan Tatma @
Shrwan Kr. Tatma R/v- Dehti, Ward No.- 09, Near Road, Dehti P.S.- Palasi,
District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhav Jha, Advocate

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-04-2023 Heard Mr. Madhav Jha, learned counsel for the
petitioner and learned APP for the State.

Petitioner apprehends his arrest in connection with
G.R. No. 430 of 2018 arising out of Palasi P.S. Case No. 42 of
2018 for the offence registered under Section 379 of the Indian
Penal Code.

It is alleged that while the informant was in his shop,
in the meantime, 6-7 boys came there and after committing theft
of cash of Rs. 4,800/- and mobile phone, tried to flee away,
upon which the informant raised *halla* and they were caught
hold by the people. It is further alleged that the petitioner along
with one 'Vikash Kumar Jha' fled away from the place of
occurrence by taking his mobile on a tempo.

Submission has been made that the petitioner is the



owner of the tempo and he runs the said tempo on fare. On the alleged date of occurrence, one of the co-accused hired tempo of the petitioner to visit Shivratri fair and after leaving the accused persons, he returned with the tempo and he was not even aware with regard to the present occurrence. Further submission has also been made that the petitioner was neither apprehended at spot nor the alleged stolen mobile nor any incriminating material has been recovered from his possession, apart from the fact that he is aged about 18 years, having fair antecedent.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that specific allegation of theft has been levelled against him.

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner was neither apprehended nor stolen mobile was recovered from his person or possession, coupled with the fair antecedent, let petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate -



VI, Araria in connection with G.R. No. 430 of 2018 arising out of Palasi P.S. Case No. 42 of 2018, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Harish Kumar, J)

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