

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.73409 of 2022**

Arising Out of PS. Case No.-212 Year-2022 Thana- SINGHESHWAR District- Madhepura

Shivam Kumar Son of Shyamal Kishor Mishra @ Kaushal Mishra Resident  
of village - Bhawanipur, Ward No.- 03, P.S.- Shinheshwar, District -  
Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Shailendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Mohammed Arif, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      20-03-2023                      Heard learned counsel appearing on behalf of the  
petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with  
Singheshwar P.S. Case No.212 of 2022 registered for the  
offence under Sections 457, 459 and 380 of the Indian Penal  
Code.

The accused/petitioner is named in the F.I.R. and is in  
custody since 22.09.2022.

The allegation against the petitioner is to commit  
theft in the house of informant on the intervening night of  
20.09.2022, when informant alongwith his family members  
were returning from the village fair (*mela*) on the eve of  
'*Chhahalum*'.



Learned counsel appearing on behalf of the petitioner submitted that petitioner was apprehended by private persons i.e. co-villagers, merely on the basis of suspicion while petitioner was returning to his home after attending village fair (*mela*) at about 3:00 AM. It is submitted that no incriminating material/stolen articles were recovered from the possession of this petitioner. It is also submitted the petitioner is a regular student of B.A. 1<sup>st</sup> year and out of local disputes and misconception of facts he was apprehended and named in this case having otherwise no incriminating evidence against him. 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 for bail.

In view of the facts and circumstances as mentioned above as petitioner apprehended by private persons, where no incriminating material/stolen articles were recovered from his possession coupled with the fact that charge-sheet has already been submitted, let above named petitioner is directed to be



released on bail in connection with Singheshwar P.S. Case No.212 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 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.)**

S.Tripathi/-

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