

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.74397 of 2022**

Arising Out of PS. Case No.-301 Year-2021 Thana- CHENARI District- Rohtas

NETA, Son of Babu Ram R/v- Dhanupura, P.S.- Kadar Chowk, District-  
Badayu (U.P.)

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Raghunandan Kumar Singh, Advocate  
For the Opposite Party/s : Mr.Nityanand, APP

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

2      22-03-2023                      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 Chenari  
P.S. Case No. 301/2021 registered for the offence under  
Sections 461, 379 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and  
is in custody since 08.08.2022.

The allegation against the petitioner is to commit theft  
in a jewellery and Utensil shops alongwith unknown co-  
accused persons and while committing so taken away cash of  
Rs. 60,000/- and several ornaments made up of gold and silver.

Learned counsel appearing on behalf of the petitioner



submitted that petitioner falsely implicated in present case as he remanded in present case on the basis of his self confession while apprehended in Rajpur P.S. Case No. 25 of 2022. It is also submitted that petitioner was not put on TIP as yet. It is also pointed out that no jewellery and utensils as pointed out in FIR recovered from the possession of this petitioner. It is submitted that prior to arresting in Rajpur P.S. Case No. 25 of 2022, the antecedent of petitioner was clean but subsequent to that petitioner remanded in five more criminal cases on the basis of self confession without having connecting evidence as of the present case, which in itself is an example of police atrocities. It is further pointed out that similarly situated co-accused, namely Dharm Raj Paswan has already been granted bail by one of the learned co-ordinate Bench of this Court vide order dated 20.03.2023 passed in Cr. Misc. No. 65876 of 2022. While concluding the argument, it is 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, while opposing the prayer of bail fairly conceded that petitioner is not named in the FIR.

Considering the facts and circumstances as mentioned



above, as no incriminating material recovered during the course of investigation to connect petitioner, *prima facie*, with the present occurrence of theft, coupled with fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Chenari P.S. Case No. 301/2021 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-II, Rohtas at Sasaram/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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