

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.81255 of 2023**

Arising Out of PS. Case No.-458 Year-2023 Thana- TAJPUR District- Samastipur

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Nawal Kumar S/O Late Jibachh Chaudhary @ Jivash Chaudhary Village-  
Jhapaha,Ps. Ahiyapur, Dist. Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Hari Kishore Thakur, Adv.

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

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

**ORAL ORDER**

2      22-12-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner seeks bail in connection with Tajpur  
(Waini O.P.) P.S. Case No. 458 of 2023 instituted for the  
offences under Sections 457 and 380 of the Indian Penal Code.

3. As per allegation made in the F.I.R., some unknown  
thief has committed theft of 107 bags of wheat from the godown  
of the Informant.

4. Learned counsel for the petitioner submits that the  
petitioner is innocent and has falsely been implicated in the  
present case. The petitioner is not named in the F.I.R. and in  
course of investigation, the police has arrested the petitioner  
without any evidence only on the basis of his mobile number as  
the petitioner and the co-accused/Raja are the co-villagers and



they used to talk with each other on mobile. Learned counsel for the petitioner submits that the seized 28 Kgs. of wheat belong to the petitioner as the petitioner had purchased the same for consumption. In fact, nothing incriminating has been recovered from the house of the petitioner or from his conscious possession. He further submits that the petitioner has clean antecedent but, after the case, he has been remanded in K.Nagar (Maranga) P.S. Case No. 494 of 2023 in which he has been made accused. The petitioner is in custody since 07.09.2023. Charge-sheet has been submitted 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 entire facts and circumstances of the case as also taking into account the nature of accusation and the period of custody, let the petitioner, abovenamed, 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 Tajpur (Waini O.P.) P.S. Case No. 458 of 2023.

**(Rudra Prakash Mishra, J)**

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