

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12016 of 2024

Arising Out of PS. Case No.-78 Year-2023 Thana- CHERIYA BARIYARPUR District-
Begusarai

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Madhaw Kumar @ Madhav Kumar S/o Govardhan singh @ Gobardhan
Singh R/o Vill - Patsara , P.S. - Navkothi, Dist. - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Chandan Kashyap, Advocate
For the State	:	Mr. Umanath Mishra, APP

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

ORAL ORDER

2 27-02-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. Learned counsel for the petitioner, at the very outset, submits that a typographical error of inadvertence has crept into the paragraph Nos. 14 & 15 of the bail petition on account of Section 452 of the Indian Penal Code (for brevity ‘the IPC’) being typed as Section 457 of the IPC.

3. Learned counsel for the petitioner is permitted to rectify the error in Paragraph Nos. 14 & 15 of the bail application during course of the day. Let the same be read as Section 452 of the IPC instead of Section 457 of the IPC.

4. The petitioner seeks bail in connection with Cheria Bariarpur P.S. Case No. 78 of 2023 instituted for the offence



under Section 379 of the IPC.

5. Prosecution case in short is that on 08-04-2023, Rs. 20,000/-, two mobile phones, jewelleries of his daughter were stolen from the house of the informant, while informant was away from his house and came to know about the occurrence on 13-04-2023.

6. It has been submitted on behalf of the petitioner that the petitioner is in custody since 13-05-2023. Petitioner is stated to be man of clean antecedent.

7. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Petitioner is not named in the FIR. Name of the petitioner has surfaced in this case from the mobile tower location collected during course of investigation. The mobile in question is purchased from one 'Rajesh Sahui' by the petitioner due to which he has been implicated on extraneous considerations. No T.I. parade has been conducted in this case. Charge sheet has already been submitted in this case.

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

9. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner and clean



antecedent of the petitioner, this Court is inclined to grant bail to the petitioner.

10. 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 Cheria Bariarpur P.S. Case No. 78 of 2023.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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