

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.20425 of 2024**

Arising Out of PS. Case No.-29 Year-2019 Thana- NADI P.S. District- Bhagalpur

=====

Deva Jha @ Devanand Jha @ Deva SON OF Late Chunchun Jha RESIDENT  
OF VILLAGE- CHAUHADDI, PS- BHAWANIPUR, DISTT- BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mrs. Sweta Barnwal, Advocate

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

=====

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

2      17-05-2024                      Heard Miss. Sweta Barnwal, learned counsel for the  
  
petitioner and learned APP for the State.

2. The petitioner is in judicial custody in connection with Naugachia (Nadi) P.S. Case No. 29 of 2019 registered under Sections 379/34 of the Indian Penal Code lodged on 17.11.2019 by the informant, Pappu Singh Nishad.

3. The prosecution story, in brief, as per the written report of informant Pappu Singh is that he used to take ponds on lease for fishing from the government every year. All accused persons mentioned in the F.I.R. used to catch fish and commit theft of fish from ponds which the informant has taken on lease. It is further alleged that petitioner in this case also used to support the other accused persons in committing theft of fish.

4. Learned counsel for the petitioner submits that he



has been falsely implicated in this case only because he has criminal antecedent and has already suffered by being in custody since 14.11.2022 (as stated in paragraph-4 of the petition).

5. Learned APP for the State opposes the prayer for bail stating that he delay coming into judicial custody inasmuch as FIR is of the year 2019.

6. Taking into account the aforesaid facts as also the period of custody, this Court is inclined to extend him the privilege of bail.

7. Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM, 3<sup>rd</sup>, Naugachia in connection with Naugachia (Nadi) P.S. Case No. 29 of 2019, subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;



(iii) the petitioner shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

8. Before parting, this Court would like to put on record its word of appreciation for Miss Sweta Barnwal, learned counsel for the petitioner for proper assistance rendered in the matter.

**(Rajiv Roy, J)**

Jagdish/-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

