

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23544 of 2024

Arising Out of PS. Case No.-550 Year-2023 Thana- MITHANPURA District- Muzaffarpur

Nitin Kumar S/o Lalan Prasad R/o Mohalla - Lakdi Dhahi, Chandwara, P.s. -
Town, Distt. - Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Akash Banka S/o Anjani Banka R/o Ward no. 38, Behind Bangala Mukhi
Mandir, P.s. - Mithanpura, Distt. - Muzaffarpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Adv. Mr. Sanjay Kumar, Adv.
For the State	:	Mr. Jagdhar Prasad, APP
For the Informant	:	Mr. Bipin Chandra, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 06-09-2024 Heard learned senior counsel for the petitioner,

learned A.P.P. for the State and learned counsel for the

informant.

2. The petitioner seeks regular bail in connection with

Mithanpur P.S. Case No. 550 of 2023 dated 13.12.2023, lodged

under Sections 457, 380 & 411 of the Indian Penal Code.

3. As per the prosecution case, FIR has been lodged

against unknown accused persons against whom there is an

allegation that they have committed theft in the house of the

informant by taking jewellery and cash of Rs. 1,50,000 (Rupees

One Lakh Fifty Thousand) from the almirah.

4. Learned senior counsel for the petitioner submits



that the petitioner is innocent and has committed no offence. Counsel also submits that the petitioner is not named in the FIR and his name has been figured in this case only by virtue of the confessional statement of the co-accused namely Santosh Kumar who has disclosed during investigation that he has sold the articles to the petitioner. Counsel further submits that no stolen articles have been recovered from the petitioner's shop.

5. Learned senior counsel for the petitioner further submits that the criminal antecedent of the petitioner is clean and he is in custody since 24.12.2023. Counsel submits that charge-sheet has already been submitted in this case. Counsel further submits that on the basis of allegation at worst, offence under section 414 of the IPC has been made which is a magisterial triable.

6. Learned APP for the State opposes the prayer for bail of the petitioner.

7. Learned counsel for the informant vehemently opposes the prayer for bail of the petitioner and submits that from the petitioner's shop, Rs. 20 lacs and odd has been recovered. Counsel further submits that petitioner used to do things like melting the gold ornaments and that's why, it is due to this reason, recovery could not be made.



8. In the present facts and circumstances of this case, let the petitioner above named be granted bail only after framing of charge, if not framed and on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Muzaffarpur in connection with Mithanpur P.S. Case No. 550 of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.C.

(Dr. Anshuman, J)

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