

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27097 of 2024

Arising Out of PS. Case No.-938 Year-2023 Thana- SITAMARHI District- Sitamarhi

Awadhesh Kumar @ Awadhesh Paswan S/O Late Ram Chandra Paswan @
Late Shiv Chandra Paswan @ Late Shyam Nandan Paswan @ Late S.C.
Paswan Mother Name- Rekha Devi alias Rekha Kumari, R/O Village-
Amghatta, P.S.-Sitamarhi, Dist.-Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar

For the Opposite Party/s : Mr.Sharda Kumari

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

ORAL ORDER

2 09-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Sitamarhi P.S. Case No. 938 of 2023 instituted for the offences
punishable under Sections 457 and 380 of the I.P.C.

3. The allegation against the petitioner along with
others is said to have committed theft in the house of the
informant after breaking the lock and looted away articles.

4. Learned counsel for the petitioners submitted that
the petitioner has falsely been implicated in the present case.
Charge-sheet has been submitted in this case. No
incriminating/looted articles have been recovered from the



conscious possession of the petitioner. Only on the basis of suspicion, petitioner has been implicated in the present case by the police due to his criminal antecedent. The provision of Section 100 of the Cr.P.C. has not been followed in this case while preparing the seizure list. The petitioner is in custody since 23.02.2024 and he has one criminal antecedent in which he is on bail.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail **after framing of charge, if not already framed**, 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 Sitamarhi P.S. Case No. 938 of 2023.

(Rudra Prakash Mishra, J)

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