

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34748 of 2024

Arising Out of PS. Case No.-239 Year-2023 Thana- DHANAHA District- West Champaran

Santosh Tiwari SON OF SHRI NATHUNI TIWARI R/O Village-
Tuniyahawa, Police station-Dhanha, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramendra Bharti, Advocate

For the Opposite Party/s : Mrs. Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-05-2024 Heard Mr. Ramendra Bharti, learned counsel

appearing on behalf of the petitioner and Mrs. Pronoti Singh,

learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with
Dhanaha P.S. Case No. 239 of 2023 registered for the offences
punishable under Sections 461 and 379 of the Indian Penal
Code.

3. The prosecution case based upon a written report is that
in the night of 17.11.2023 some thieves have stolen 16 quintals
of rice from Government Utrakramit Madhya Vidyalaya Kathar,
Madhubani. On interrogation, the petitioner who was working
as a night guard, has not given any satisfactory answer and as
such suspicion has been raised against the petitioner of his
involvement in theft of rice leading to lodging of the FIR.



4. Learned counsel for the petitioner contended that the entire case is based on suspicion and save and accept the suspicion there is no other material suggesting the complicity of the petitioner in the present crime. The occurrence of theft has taken place on 17.11.2023 but surprisingly the present FIR has been instituted on 06.12.2023. During the course of investigation no material has come suggesting any complicity of the petitioner. It is also contended on behalf of the petitioner that the petitioner had been working as a cook in the said school for the last 16 years and there had never been any allegation of theft or irregularity against him.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that the petitioner is found involve in one another criminal case.

6. Regard being had to the submissions made on behalf of the parties and considering the delay in lodging of the FIR as also the fact that save and accept the suspicion there is no material suggesting the complicity of the petitioner in the present crime, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail



bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Bagaha, West Champaran in connection with Dhanaha P.S. Case No. 239 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C.

(Harish Kumar, J)

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