

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40801 of 2024

Arising Out of PS. Case No.-15 Year-2024 Thana- SHASTRINAGAR District- Patna

Nitish Kumar Son of Sunil Kumar Rajak Resident of Village - Katra Baradari,
P.S.- Bhagwan Bazar, District - Chapra at present residing at Durga Ashram
Gali, House No. B/2, P.S.- Shastri Nagar, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Singh

For the Opposite Party/s : Mr. Pronoti Singh

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 10-06-2024 Heard learned counsel appearing on behalf of

the petitioner and learned counsel appearing on behalf of

the State.

2. The petitioner seeks bail in connection with

Shastri Nagar P.S. Case No. 15 of 2024 registered for

the offence under Sections 457 and 380 of the I.P.C.

3. The petitioner is not named in the F.I.R. and

is in custody since 08.01.2024.

4. The allegation against the petitioner is to

commit theft and while committing so taken away

laptop, smart watch, charger of laptop and I.D. card etc.

belongs to informant.



5. Learned counsel appearing on behalf of the petitioner submitted that petitioner falsely implicated with present case being a co-tenant, with same landlord. It is pointed out that out of neighborhood dispute and differences, the petitioner falsely implicated with present case which can be gathered apparently from seizure list, which suggests that recovery of looted/stolen materials was made from the roof of the same house which is an open place and accessible by other tenants including the informant. It is submitted that though the petitioner was found involved in two criminal cases but at that point of time he was juvenile and was released by giving warning. It is also submitted that the crime committed as juvenile be not taken as criminal antecedents. While concluding the argument, it is submitted that, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.



7. In view of the aforesaid facts and circumstances as the recovery of looted/stolen articles appears to be made from an open place which is also accessible by the informant, coupled with the fact that charge-sheet has already been submitted, where petitioner is in custody since 08.01.2024, let the petitioner, above named, is directed to be released on bail in connection with Shastri Nagar P.S. Case No. 15 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Patna subject to the conditions as mentioned under Section 437(3) of the Cr.P.C. with further condition that:-

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the



cancellation of bail bond of the petitioner.

(ii) That petitioner shall cooperate in the trial and shall be physically present on each and every date after framing of the charge before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(Chandra Shekhar Jha, J)

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