

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 44179 of 2024

Arising Out of PS. Case No.-190 Year-2024 Thana- BABUBARHI District- Madhubani

Shankar Sah S/o Late Rajendra Sah R/o Village Babubarhi PS Babubarhi Dist
Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kumari Pallavi, Adv.
For the Opposite Party/s : Mr. Mritunjay Kr. Nirala, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 03-07-2024 Heard Ms. Kumari Pallavi, learned advocate for the

petitioner and Mr. Mritunjay Kr. Nirala, learned Additional

Public Prosecutor for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Babubarhi P.S. Case No. 190 of 2024
registered for the offence punishable under Sections 457, 380,
413, 414/34 of the Indian Penal Code.

3. Allegedly, when the informant along with his
family members went to his village, in the meantime, they came
to know that a theft has been committed in his house. Despite
the efforts made by the informant, the stolen articles could not
be found. It is further alleged that after few days they came to
know that similar incidents of theft have also been committed
near his house and one person was caught by the villagers. The



apprehended person disclosed the name of the accused persons including this petitioner. Allegedly, some stolen articles have been recovered from the shop of the petitioner leading to lodging of the F.I.R.

4. Learned advocate for the petitioner contended that from the narrations made in the F.I.R., it is evident that the alleged occurrence of theft has taken place in the night of 23.04.2024 but the present F.I.R. has been instituted on 28.04.2024. It is also the fact that the petitioner having a utensil shop and his name has been surfaced on the confessional statement of co-accused Bajrang Kumar, who is alleged to have committed theft in the house. Certain utensils is said to have been recovered from the shop of the petitioner leading to lodging of the F.I.R., but neither the articles were put on T.I. Parade nor there is any F.I.R. prior to the recovery of alleged stolen articles and such the entire case appears to be doubtful. It is also the contention of the petitioner that save and except the confessional statement, there is no cogent material suggesting the complicity of the petitioner in the present crime. Since the petitioner is a bonafide shop owner of the utensils, any alleged recovery of utensils can not be substantiated without there being any extensive enquiry. Petitioner is in judicial custody since



28.04.2024 having clean antecedent.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the stolen articles have been recovered from the shop of the petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the entire case is based on confessional statement and the petitioner is also having utensil shop and moreover petitioner has clean antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-VI, Madhubani in connection with Babubarhi P.S. Case No. 190 of 2024.

(Harish Kumar, J)

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