

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55278 of 2024

Arising Out of PS. Case No.-296 Year-2024 Thana- SHERGHATI District- Gaya

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Akash Kumar Son of Niranjan Ram R/O Ward no. 04, Near Referral Hospital,
Nai Bazar, Sherghati, P.s.- Sherghati, Dist.- Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dinkar Kumar, Advocate

For the Opposite Party/s : Mr. Parmanand Prasad, APP

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

ORAL ORDER

2 14-08-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Sherghati P.S. Case No. 296 of 2024 instituted for the offence
under Sections 379, 411, 414 & 34 of the Indian Penal Code.

3. Prosecution case in short is that co-accused
persons, including the petitioner was caught red handed with
stolen 43 pieces of iron centering plate loaded on a tempo which
was kept near the informant's house.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 25-05-2024. Petitioner is a
man of clean antecedent.

5. It has been further submitted by the petitioner's



counsel that petitioner has been falsely implicated in the present case. It is submitted that from bare perusal of the FIR, it is apparent that the police has neither recovered nor seized any stolen article in question, rather the informant has produced the materials *vide* memo dated 25-05-2024 to the Sherghati police. There is no compliance of Section 100 of the Cr.P.C. It is lastly submitted that charge sheet has already been submitted in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, clean antecedent of the petitioner and charge sheet being submitted, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail 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 Sherghati P.S. Case No. 296 of 2024.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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