

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83656 of 2024

Arising Out of PS. Case No.-634 Year-2023 Thana- DHANARUA District- Patna

Nasim Nut Son of Chamu Nut @ Chamu Resident of Mohalla- Sachiwalaya
Halt, P.S- Sachiwalya, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binay Kumar Singh, Adv.

For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP

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

ORAL ORDER

2 10-12-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Dhanarua P.S. Case No. 634 of 2023 instituted for the offences
under Section 380 of the Indian Penal Code.

3. As per prosecution case, the accusation against the
petitioner is of theft of goats.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case
merely on the basis of suspicion. He further submits that
nothing incriminating has been recovered from the conscious
possession of the petitioner. There is no direct or specific



allegation of any overt act against the petitioner rather the same is general and omnibus in nature. The name of the petitioner has surfaced in this case on the basis of the confessional statement of the co-accused. The petitioner has been remanded in this case on 21.11.2023 from Dhanarua P.S. Case No. 752 of 2023 and, since then, he is in custody. Charge-sheet has been submitted in this case. The petitioner has one criminal antecedent.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the petitioner has been remanded in this case from the Dhanarua P.S. Case No. 752 of 2023 which is also the case of theft of goats. The petitioner has also confessed his guilt in the confessional statement. Charge-sheet has also been submitted against the petitioner. It appears that the petitioner is veteran thief and, hence, he does not deserve bail.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, 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 Dhanarua P.S. Case



No. 634 of 2023, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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