

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85505 of 2024

Arising Out of PS. Case No.-270 Year-2013 Thana- HARNAUT District- Nalanda

Chandan Thathera @ Chandan Saw @ Chandan Soni Son of Rajendra Thathera @ Rajendra Saw Resident of Village- Kelwaria, P.S. - Khushrupur, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, 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 apprehends arrest in connection with Harnaut P.S. Case No. 270 of 2013, registered under Sections 395 and 397 of the Indian Penal Code.

3. The prosecution case, in short, is that, some unknown miscreants have committed theft in the transformer repairing workshop of the Bihar State Electricity Board, Cheran, whereafter they had stolen copper wire and other articles from the store room.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Learned counsel for the petitioner also submits that



the petitioner is not named in the FIR. Name of the petitioner has transpired on the basis of confessional statement made by co-accused Sanjay Thathera and the same has got no evidentiary value. The petitioner was also not present at the place of occurrence. The petitioner has got three criminal antecedents in which he is on bail in all cases. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted regular bail by this Court vide order dated 02.12.2023 passed in Cr. Misc. No. 74871 of 2023.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is further submitted that name of the petitioner has transpired on the basis of confessional statement of co-accused Sanjay Thathera as being a member of the mob. Witnesses have supported the prosecution case in paragraph nos. 2, 3, 4 and 5 of the case diary. Hence, the petitioner does not deserve the privilege of anticipatory bail.

6. Considering the aforesaid facts and circumstances of the case, nature and gravity of the offence, this Court is not inclined to grant anticipatory bail to the petitioner.

7. The prayer is rejected. However, the petitioner is directed to surrender in the Court below and pray for regular



bail. If any such application is filed, the Court below shall consider and dispose of the same on its own merit without being prejudiced by this order.

(Rudra Prakash Mishra, J)

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