

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79824 of 2024

Arising Out of PS. Case No.-315 Year-2009 Thana- MAJHAULIA District- West Champaran

Bodha Nat @ Binod Nat S/O Late Niyamat Nat Resident of Vill- Ward no.8,
Auraiya Ujara Dih, P.S.- Banuchhappar, Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

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

ORAL ORDER

3 13-02-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Sessions Trial No. 535 of 2014 arising out of Majhauria P.S. Case No. 315 of 2009 instituted for the offence under Sections 395, 397 & 412 of the Indian Penal Code.

3. Prosecution case in a nutshell is that while the informant and his family members were sleeping, 15-20 persons entered into his house and taken away Rs. 50,000/-, several gold and silver ornaments and fled away.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 16-09-2024. Petitioner bears two criminal antecedent, as per disclosure made in



paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Petitioner is not named in the FIR. Name of the petitioner has transpired on the basis of confessional statement of co-accused, namely, Chintu Nat, who has been granted bail by a Co-ordinate Bench of this Court *vide* order dated 25-10-2010 passed in Cr. Misc. No. 25198 of 2010. It is submitted that charge sheet has been filed in this case, showing the petitioner absconder. In this context, learned counsel submits that petitioner belongs to a tribe which moves from one place to another. Nothing incriminating has been recovered from the possession of the petitioner. Other co-accused have been granted bail by this Court *vide* orders dated 18-05-2010 & 22-07-2010, passed in Cr. Misc. No. 17535 of 2010 & Cr. Misc. No. 24279 of 2010.

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 and claim based on parity, 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 Sessions Trial No. 535 of 2014 arising out of Majhaulia P.S. Case No. 315 of 2009.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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