

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79603 of 2024

Arising Out of PS. Case No.-71 Year-2024 Thana- AZIMABAD District- Bhojpur

Lal Babu Kumar Sah S/O Ashrphi Sah @ Asharphy Sah R/O Village-
Silauthar, P.S- Jandaha, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hemant Kumar, Adv.

For the Opposite Party/s : Mr. Mohammad Sufyan, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 22-01-2025 Heard the parties.

2. The petitioner seeks bail in connection with
Ajimabad P.S. Case No. 71 of 2024 registered for the
offence under Sections 303(2), 317(2) and 317(5) of
BNSS.

3. The petitioner not named in the F.I.R. and is
in custody since 26.08.2024.

4. The allegation against the petitioner is to
commit theft of tractor belonging to the informant along
with other unknown co-accused persons.

5. Learned counsel appearing on behalf of the
petitioner submitted that petitioner implicated with



present case on the basis of suspicion arising out of confessional statement of one Biku Kumar @ Raushan Kumar. It is submitted that the reason for suspicion is also for the reason as petitioner was owner of garage. It is pointed out that aforesaid stolen tractor was recovered from the sister's house of Biku Kumar @ Raushan Kumar in furtherance of his confessional statement. It is submitted that in furtherance of aforesaid confessional statement no incriminating material appears to be recovered/surfaced from this petitioner so as to connect him *prima-facie* with present occurrence of theft. While concluding the argument, it is submitted that petitioner was found involved in one more criminal case, moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. In view of aforesaid facts and circumstances as save and except, suspicion arising out of confessional



statement of co-accused nothing appears incriminating as to connect petitioner *prima-facie* with present occurrence, coupled with fact that petitioner is in custody since 26.08.2024 , accordingly petitioner above named, is directed to be released on bail in connection with Ajimabad P.S. Case No. 71 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned JM 1st Class, Bhojpur at Ara/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C/ Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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