

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89245 of 2024

Arising Out of PS. Case No.-180 Year-2024 Thana- SAMASTIPUR District- Samastipur

Vishal Kumar S/O Late Dinesh Sah R/O Mohalla- Vinapur, P.S- Minapur,
Muzaffarpur, Bihar- 843117.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Piyush Kumar Pandey, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 16-01-2025 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in Samastipur Town P.S. Case No. 180 of 2024 (GR No. 2448 of 2024), instituted for the offences punishable under Sections 305 and 317(2) of the Bharatiya Nyaya Sanhita, 2023.

3. The prosecution case, in short, is that, one unknown person had committed theft in the house of the informant and while fleeing away, the petitioner was caught by the local persons and they handed him over to the police. It is further alleged that the stolen articles have been recovered from the possession of the petitioner.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner also submits that no direct or indirect allegation has been attributed against the petitioner. The allegation levelled against the petitioner is general and omnibus in nature. It is further submitted that the stolen articles have not been recovered from the possession of the petitioner, rather he was a passerby of that way and was arrested on the basis of suspicion. The petitioner is in custody since 25.08.2024 and has got no criminal antecedent.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and taking into account the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Samastipur Town P.S.



Case No. 180 of 2024 (GR No. 2448 of 2024), subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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