

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1304 of 2019

Arising Out of PS. Case No.-394 Year-2018 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Md. Ali Son of Md. Jahangir Resident of Mohalla-Maulanachak, Asraf Alam
Lane, Bhagalpur, P.S.-Mojahidpur District Bhagalpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee
For the Opposite Party/s : Mr.Surendra Prasad Singh

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

3 15-03-2019 Heard learned counsel for the petitioner as well as
learned Addl. Public Prosecutor for the State.

Petitioner seeks bail in a case registered under section
392 of the IPC.

Petitioner is not named in the FIR but from perusal of
the case diary, it appears that one Rajkumar Sharma was
arrested and one mobile was recovered from his possession. The
aforesaid Rajkumar Sharma disclosed that he had purchased the
said mobile from Ladle and thereafter, co- accused Ladle was
arrested and he disclosed that he had purchased the seized
mobile from this petitioner. Subsequently, petitioner has been
made accused in the present case and was apprehended. The
confessional statement of the petitioner was recorded and one



mobile of OPPO Company was recovered from his conscious possession.

Submission on behalf of the petitioner is that the mobile seized from the possession of the petitioner is not looted property because the informant has, nowhere, stated in his fardbeyan that mobile of OPPO company was snatched from him. Learned counsel further submits that except so-called confessional statement and some criminal antecedent of the petitioner, there is nothing against him.

Considering the facts and circumstances as well as submissions of the parties, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Bhagalpur in Kotwali P.S. Case no. 394/2018.

(Hemant Kumar Srivastava, J)

s.hassan/abhijeet-

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