

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7437 of 2019

Arising Out of PS. Case No.-5 Year-2018 Thana- BACHHWARA RAIL P.S. District-
Begusarai

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AVINASH KUMAR son of Late Premnath Chaudhary Resident of Village-
Sahpur Bijrauli, P.S.-Tisiauta, District - Vaishali at Hajipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mukesh Kumar No1

For the Opposite Party/s : Mr.Lalan Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-02-2019 Heard learned counsels for the parties.

The petitioner is languishing in custody since
18.8.2018 in a case registered for the offences punishable
under Sections 379 and 461 of the I.P.C.

On theft being committed of laptop and 150 pieces of
mobile phones from the mobile shop of the informant on
2.4.2018, the FIR was lodged against unknown. The stolen
mobiles were recovered from one Alok Kumar who
suggested that he bought it for Rupees Four Thousand from
the petitioner. Alok Kumar made confession, on the basis of



which, huge quantity of laptop and mobile phones were recovered.

It is submitted by learned counsel for the petitioner that the mobile phones or the laptop alleged to have been stolen in the present case has not been recovered from the petitioner and for recovery of mobile phones and laptop a separate case has been lodged in which he is on bail. It is further submitted that though the petitioner is accused in five other cases but in most of them the petitioner is on bail.

Learned APP submits that the petitioner sold the stolen mobile to co-accused Alok Kumar.

Considering the period under custody and the fact that the stolen mobile phone was recovered from co-accused Alok Kumar, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM, Rail Barauni in connection with Bachhwara Rail P.S. Case No. 5 of 2018.

Since the petitioner is having serious criminal antecedent, the learned Court below will be at liberty to cancel the bail bonds of the petitioner in case he defaults on two consecutive occasions or gets involved in similar nature



of offence.

(Dinesh Kumar Singh, J)

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