

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.21344 of 2019**

Arising Out of PS. Case No.-732 Year-2018 Thana- BANKA District- Banka

RAJESH KUMAR @ TULSI Son of Prasadi Rai Resident of Village -  
Bhadrar, P.S.- Banka, Distt - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Mritunjay Prasad Singh  
For the Opposite Party/s : Mr.Pancha Nand Pandit

**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

2      05-04-2019                      Heard learned counsel for the petitioner and learned  
APP for the State.

Petitioner is languishing in judicial custody since  
11.11.2018 in connection with Banka P.S. Case No. 732 of  
2018, G.R. No. 3689 of 2018 for offences punishable under  
Sections 379, 411, 414 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is  
that while he had gone out of his house to purchase milk and  
was talking on the mobile, two motorcycle borne criminals  
snatched his mobile and fled away.

It has been submitted by the learned counsel for the  
petitioner that he is innocent, not named in the First Information  
Report and has been falsely implicated in the aforesaid case. He  
submits that the mobile has been stolen by one Pankaj Kumar



Singh, who has already been granted the privilege of bail by the learned court below and petitioner did not know that it was a stolen one. He submits that charge-sheet has already been submitted there being no allegation of tampering with the prosecution witnesses.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not bear a clean antecedent as two more cases are pending against him and the petitioner was caught red-handed along with two other co-accused with stolen mobile and motorcycle.

Considering the nature of allegations and the period of custody and that charge-sheet has already been submitted, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka, in connection with Banka P.S. Case No. 732 of 2018, G.R. No. 3689 of 2018, subject to the following conditions :

1. One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.



2. Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.
3. If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

**(Nilu Agrawal, J)**

Rajesh/-

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