

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.61985 of 2019**

Arising Out of PS. Case No.-189 Year-2018 Thana- BANMANKHI District- Purnia

SUMAN KUMAR, Son of Ramchandra Yadav, R/O Village- Jamawan, P.S.-  
Bhargama, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. (Dr.) Bidhu Ranjan, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      22-10-2019                      Heard learned counsel for the petitioner and learned  
APP for the State.

The petitioner is languishing in custody since  
31.07.2019 in a case registered for the offence punishable  
under Section 392 of the Indian Penal Code.

The prosecution case is that the informant's mobile  
phone, cash amount of Rs.32,000/-, an ATM card, a laptop and  
other documents were robbed on a highway by three motorcycle  
borne miscreants. Subsequently, the robbed mobile phone was  
recovered from the possession of the petitioner as he was found  
using the said mobile phone by putting another SIM card.

It is submitted by learned counsel for the petitioner  
that the petitioner had no knowledge that the alleged mobile  
phone was robbed one, and moreover, neither the petitioner  
nor the alleged recovered mobile phone has ever



been put on Test Identification parade. It is further submitted that a statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the robbed mobile phone was recovered from the conscious physical possession of the petitioner.

Considering the nature of recovery and the fact that the petitioner has never been put on Test Identification parade, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner 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 learned CJM, Purnea, in connection with Banmankhi P.S. Case No.189 of 2018.

**(Dinesh Kumar Singh, J)**

Ashwini/-

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