

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17933 of 2020**

Arising Out of PS. Case No.-41 Year-2020 Thana- PUNPUN District- Patna

=====

ASHISH KUMAR S/o Sanjay Singh @ Sanjay Kumar Singh Resident of
Village-Mohanpur, Punpun, P.S.-Punpun, District-Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner/s : Mr.Md. Nurul Hoda, Advocate

For the Opposite Party/s : Mr.Ram Anurag Singh, APP

=====

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 05-06-2020 This application has been placed for consideration

by the order of the Hon'ble the Chief Justice through virtual

court proceeding.

Heard learned counsel for the petitioner and learned

APP for the State.

The petitioner in the present case is seeking regular

bail in connection with Punpun P.S. Case No. 41 of 2020

registered for the offences punishable under Sections 406 and

380 of the Indian Penal Code.

Learned counsel for the petitioner submits that the

petitioner is the neighbour of the informant. It is alleged that

while leaving for Jamshedpur with his family, the informant had

handed over the key of the main gate and flat gate to his



neighbour who is this petitioner. Two days after his reaching to Jamshedpur, he got a telephone call from the father of the petitioner who informed him that a theft has taken place in the flat of the informant. On this the informant came back and found that several gold ornaments and other materials have been stolen away from his house after opening the main gate and the flat gate which were not having any sign of forceful entry.

Learned counsel submits that the allegations of theft against the petitioner are only concocted and baseless. The petitioner has not committed any offence, taking advantage of absence of any person in the flat, the theft seems to have taken place but the petitioner who is a handicapped person and disabled by 40 per cent as certified by Civil Surgeon-cum-CMO, Patna vide Annexure '2' to the present application, he has been falsely implicated in the present case.

Learned APP for the State has opposed the prayer for regular bail of the petitioner, however considering the facts and circumstances of the case wherein this petitioner is said to be handicapped by 40 per cent and has been involved in this case though there is no eye-witness to the occurrence and nothing has been recovered from the possession of the petitioner as also that the petitioner is a student and he is in custody in connection



with this case since 04.02.2020, investigation against him is complete and there is no submission that his release is in any way likely to interfere with the course of trial, let the petitioner above named be released on bail on furnishing of bail bonds o of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Masaurhi in connection with Punpun P.S. Case No. 41 of 2020, subject to the conditions as laid down under Section 437(3) of the Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, oft he commission of which he is suspected, and

(c) that such person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that he will abide by and observe the guidelines and directives of the Government of



India and the State Government with regard to COVID-19
Pandemic during the lockdown period. The authorities
concerned shall take appropriate steps to ensure such
observance prior to and after release of the petitioner.

The application is allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/Arvind

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

