

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19614 of 2020

Arising Out of PS. Case No.-7 Year-2020 Thana- KURSAILA District- Katihar

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SOURABH KUMAR @ SOURABH KUMAR YADAV @ MANIA Son of
Arun Prasad Yadav @ Arun Yadav Resident of Village- Kheria, P.S.- Kursela,
District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bimal Kumar

For the Opposite Party/s : Mr. Nawal Kishore Prasad (App)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 16-09-2020 Heard learned Counsel for the petitioner and learned

Additional Public Prosecutor for the State, through video

conferencing.

The petitioner seeks regular bail in connection with
Kursaila Police Station Case No. 07 of 2020, registered for the
offence punishable under Section 392 of the Indian Penal Code.

The prosecution case, in brief, is that the tractor of the
informant, loaded with 152 bags of potato, was intercepted by
three persons, who had covered their faces and were riding on
motorcycle and the accused persons snatched one white-
coloured Samsung mobile of the informant, one black-coloured
small Nokia mobile of the driver of the tractor and also a sum of
Rs. 12,000/- from the pocket of the informant.

Learned Counsel for the petitioner submits that the



petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case on the basis of the information provided to the police by its spy. He further submits that the confessional statement of the petitioner was recorded by the police and the police has recovered one black-coloured Samsung mobile allegedly from the place indicated by the petitioner and Rs. 2,000/- from near the railway track. He further submits that from the First Information Report, it would be evident that one white-coloured Samsung mobile was allegedly snatched from the informant, but the recovery made by the police is of a black-coloured Samsung mobile and the same cannot be said to be the looted mobile. He further submits that Rs. 2,000/- allegedly recovered from near the railway track has been recovered by the police on the basis of confessional statement, but the articles recovered by the police have not been put on Test Identification Parade as well as the petitioner has also not been put on Test Identification Parade by the police. He further submits that the petitioner has got no criminal antecedent of similar nature and the three cases, which are pending against the petitioner, relates to Section 323/307 of the Indian Penal Code etc. He further submits that the petitioner is in custody since 24.01.2020.



Having heard learned Counsel for the parties and taking into consideration the materials on record and the fact that the mobile set, which has been recovered from the petitioner is not matching with the looted mobile set, I am inclined to grant regular bail to the petitioner.

This application is allowed.

Accordingly, let the petitioner, above named, be released on bail, upon furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar, in connection with Kursaila Police Station Case No. 07 of 2020.

This is subject to the condition that the petitioner shall present himself before the Court, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

It is made clear that at the time of furnishing bail bonds, all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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