

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10979 of 2021

Arising Out of PS. Case No.-242 Year-2020 Thana- SAHAR District- Bhojpur

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Anshu Kumar, son of Gautam Singh, R/O Village- Nanaur, P.S.- Sahar,
District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner : Mr.Suraj Narain Yadav, Advocate
For the State : Mr.Rina Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 27-05-2021 This matter has been taken up today for consideration

through video conferencing in view of resurgence of COVID-19

Pandemic.

The learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual Court proceedings from
their homes, all with the aid of audio visual technology.

The petitioner's counsel mentioned that the matter may
be taken up on priority basis as the petitioner's father has died
on 21.05.2021 and the petitioner is the only son for performing
the last rites of the deceased. On account of such motion being
made, the matter has been taken up for consideration on priority
basis.

Heard learned counsel for the petitioner and the
learned APP for the State.



The petitioner seeks bail in connection with Sahar P.S. Case No.242 of 2020 instituted for the offence punishable under Section 392 of the Indian Penal Code.

The prosecution case alleges that the informant was moving along with his two friends on truck. On seeing the electric wire lying on the road, he stopped the vehicle. Rs.7000/- and a mobile phone of the informant has taken away by three accused persons on the point of pistol. Then they attempted to flee, whereafter one of the accused persons was apprehended by the villagers. From his possession there is alleged recovery of Rs.1500/-.

It is submitted by the petitioner's counsel that the prosecution case itself shows that the petitioner was apprehended by villagers and not by the police. The alleged amount of Rs.1500/- recovered from the petitioner was in his *bona fide* possession. The allegation of the prosecution that it is the petitioner's share of the looted money is absurd in view of the allegation that they were fleeing away just after committing the robbery. The petitioner is in custody since 16.10.2020 and is on bail in Narayanpur P.S. Case No.87 of 2020.

Learned APP for the State has opposed the prayer for bail.



Considering the rival submissions, this Court is inclined to allow petitioner's prayer for bail.

Accordingly, 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 court of learned Chief Judicial Magistrate, Bhojpur, Ara, in connection with Sahar P.S. Case No.242 of 2020, subject to the following conditions:

(i) That one of the bailors of the petitioner will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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