

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.18063 of 2021**

Arising Out of PS. Case No.-96 Year-2020 Thana- BUDDHACOLONY District- Patna

ARUN KUMAR Son of Shatrudhan Singh Resident of Mohalla- Etwarpur,
P.S.- Parsa Bazar and District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Aryan Singh, Advocate
	:	Mr. Gajendra Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Md. Fahimudding, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-07-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Buddha Colony P.S. Case No. 96 of 2020 registered for the offences punishable under Sections 401, 413, 414 and 120(B) of the Indian Penal Code.

As per the prosecution story, during investigation in a different case co-accused was arrested with a stolen mobile phone and he disclosed that he was involved in theft and selling of stolen mobile phones along with this petitioner. On this



information police raided the shop of this petitioner and a number of mobile phones were recovered from the shop without any valid paper.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that nothing has been recovered from the conscious possession of this petitioner rather the stolen mobile was recovered from the co-accused. Learned counsel submits that petitioner is in custody since 05.05.2020 having no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein this petitioner is said to be the owner of the shop and is engaged in repairing of the mobile phones, however, the allegation against him is that he had been keeping stolen mobiles in his shop, the submission being that the police has roped the petitioner on mere suspicion, the petitioner has remained in custody in connection with this case since 05.05.2020, he has otherwise no criminal antecedent, investigation against him is complete but the trial is not likely to take place in near future, in the circumstances, this Court directs



release of the petitioner on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Patna in connection with Buddha Colony P.S. Case No. 96 of 2020 subject to the condition as laid down under Section 437 (3) 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, of the 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 the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be



delayed for purpose of or in the name of verification.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Rishi/-

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’.

