

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.19481 of 2021**

Arising Out of PS. Case No.-179 Year-2020 Thana- JANTA BAZAR District- Saran

MUKESH SAH Son of Raju Sah Resident of village - Mirjumla, P.S.
Bhagwanpur Hat, District - Siwan.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Y.C. Verma, Sr. Advocate Ms. Kumari Anupam, Advocate
For the Opposite Party/s	:	Mr. Akshay Lal Pandit, APP

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

2 23-07-2021 Learned Senior Counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned Senior Counsel for the petitioner and Mr. Akshay Lal Pandit, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Janta Bazar P.S. Case No. 179 of 2020 registered for the offences punishable under Sections 356, 379, 414/34 of the Indian Penal Code.

Learned Senior Counsel for the petitioner submits that as per the prosecution story when the informant was going to his house, two miscreants on a motorcycle came and snatched his mobile phone. It is alleged that one of them (this petitioner) was arrested on the spot.

Learned Senior Counsel submits that the petitioner has been apprehended in this case on mere suspicion, the chargesheet has



already been submitted under Section 356/379 IPC and as per the chargesheet Sections 414/34 IPC has not been made out.

Learned Senior Counsel further submits that it is a case of mobile snatching and, therefore, Section 379 of I.P.C. is also not attracted in any case. It is submitted that the petitioner being in custody since 10.10.2020, investigation against him is complete but the trial is not likely to take place in near future, in the nature of the allegations and the materials before this Court, the petitioner deserves privilege of bail.

Learned APP for the State has though opposed the prayer for regular bail of the petitioner but considering the facts and circumstances of the case, investigation being over and the petitioner having remained in jail for over nine months, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Saran at Chapra in connection with Janta Bazar P.S. Case No. 179 of 2020, subject to the conditions 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 is suspected, and



(c) that such persons shall not directly or indirectly make and 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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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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'.

