

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34544 of 2020

Arising Out of PS. Case No.-128 Year-2020 Thana- GAMAHARIYA District- Madhepura

Rishav Kumar @ Rishav Bhagat, aged about 20 years, Gender-Male, son of Mahendra Bhagat, R/o Village+P.S.- Simari Bakhtiyarpur, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bam Bahadur Jha, Advocate
For the State	:	Mr. Sanjay Kumar Sharma, APP
For the Informant	:	Mr. Mukesh Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 05-04-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Bam Bahadur Jha, learned counsel for the petitioner; Mr. Sanjay Kumar Sharma, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State and Mr. Mukesh Kumar Jha, learned counsel for the informant.

3. The petitioner apprehends arrest in connection with Gamhariya PS Case No. 128 of 2020 dated 04.08.2020, instituted under Sections 323/341/354/379/504/506/34 of the Indian Penal Code.

4. The allegation against the petitioner and other family members is of general comment and threat and specifically against the petitioner of having snatched the mobile



phone of the daughter of the informant.

5. Learned counsel for the petitioner submitted that he is innocent and has been falsely implicated due to rivalry between the parties, who are neighbours. It was submitted that the dispute is with regard to drain between the maternal grandfather of the petitioner and the informant and the petitioner had come to visit his maternal grandfather and has been falsely implicated. It was submitted that prior to the present case, due to drainage, an occurrence had taken place on 23.06.2020 for which the maternal grandfather of the petitioner had lodged a written complaint with the police against the informant and his family members. It was further submitted that for the same incident Gamhariya PS Case No. 129 of 2020 had also been filed by the maternal grandfather of the petitioner against the informant and his family members. Learned counsel submitted that the police recovered the mobile phone of the daughter of the informant from a public place i.e., *Suryaganj Nahar Puliya* and not from the possession of the petitioner. Learned counsel submitted that the petitioner is a young boy having no criminal antecedent. It was further submitted that the other family members of the petitioner, including his mother, have been granted anticipatory bail by the Court below itself.



6. Learned APP submitted that the petitioner is alleged to have snatched the mobile phone of the daughter of the informant.

7. Learned counsel for the informant submitted that there is specific allegation of the mobile phone being snatched by the petitioner which was recovered by the police. However, he could not controvert that the recovery has been from a public place and not from the possession of the petitioner.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Madhepura or his successor in Gamhariya PS Case No. 128 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall cooperate with the Court and the police/prosecution. Any violation of the terms and



conditions of the bonds or non-cooperation would lead to cancellation of his bail bonds.

9. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioner, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner.

10. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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