

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39184 of 2020

Arising Out of PS. Case No.-351 Year-2020 Thana- CHAPRA MUFFASIL District- Saran

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MONU KUMAR @ MANU KUMAR Son of Late Krishna Kumar Resident
of Village- Ratanpura, P.S.- Bhagwan Bazar, District- Saran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Gaurav Kumar, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 20-02-2021 Learned 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 this Court.

Heard learned counsel for the petitioner and Mr.

Akhileshwar Dayal, learned A.P.P. for the State.

The petitioner in the present case is seeking regular bail

in connection with Muffasil P.S. Case No. 351 of 2020 registered

for the offences punishable under Sections 461 and 379 of the

Indian Penal Code.

Learned counsel for the petitioner submits that the First

Information Report has been lodged against unknown for theft of

mobile phones from the shop of the informant.

Learned counsel submits that the petitioner has been made

accused in this case on the allegation that stolen mobiles have



been recovered from his shop. It is submitted that petitioner is in custody since 27.08.2020 having no criminal antecedent.

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

Having regard to the facts and circumstances of the case, wherein the submission of the learned counsel for the petitioner is that he has been falsely implicated alleging that the stolen mobile has been recovered from his shop, the petitioner has otherwise no criminal antecedent and the co-accused similarly situated from whose possession also some mobiles were allegedly recovered have been granted bail by learned coordinate Benches of this Court in Cr. Misc. No. 39327 of 2020 and Cr. Misc. No. 35392 of 2020, the petitioner has remained in jail since 27.08.2020, investigation against him is complete and there being no submission on behalf of the State that his release at this stage is likely to result in tampering with evidence or interfering in the course of trial, let the petitioner above named be released 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 A.C.J.M. 9th, Saran at Chapra in connection with Muffasil P.S. Case No. 351 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 steps for cancellation of bail bond of the petitioner.

This application stands disposed of accordingly.

(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'.

