

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5170 of 2021

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

DURGA RAI son of Ramdas Rai Resident of Mohalla- Ratanpur, Near
Dharamnath Mandir, P.S.- Bhagwan Bazar, Chapra, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anjani Parashar, Adv.

For the Opposite Party/s : Dr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 26-03-2021 A supplementary affidavit has been filed on behalf of the petitioner stating that as a result of typographical error, P.S. case in paragraph no. 1 and prayer portion was wrongly mentioned as Bhagwan Bazar P.S. Case no. 351 of 2020 instead of the Chapra Muffasil P.S. Case no. 351 of 2020.

Let the supplementary affidavit be taken on record and the P.S. case in Paragraph no. 1 and prayer portion be read as Chapra Muffasil P.S. Case no. 351 of 2020.

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

The petitioner has filed the instant application for grant of regular bail in connection with Chapra Muffasil P.S. Case no. 351 of 2020 registered under sections 461, 379 and 411 of the Indian Penal Code.



As per allegation in the FIR, the informant received information on telephone about having theft in his mobile shop. On reaching there, it transpired that a number of mobile phones have been missing, Accordingly, FIR was lodged with respect to theft in his shop.

It is submitted by learned counsel for the petitioner that the FIR was registered against unknown. Further, referring to the contents of the order of the learned Court below as also the orders brought on record as annexure to the supplementary affidavit, it is submitted that the name of the petitioner transpired in course of investigation in paragraph no. 76 of the case diary on the statement of co-accused Vikky Kumar made before the police. It is categorically submitted that nothing has been recovered from the conscious possession of the petitioner. He is in custody since 27.8.2020 and has no criminal antecedent. His case stands on a similar footing to that of co-accused Monu Kumar who has been enlarged on bail vide order dated 22.2.2021 passed in Cr. Misc. no. 39184 of 2020 and two other co-accused persons, orders of whom find reference in the said order.

The application for bail is opposed by learned APP for the State.



Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the petitioner together with the petitioner being in custody since 27.8.2020 and investigation in the case having concluded, the Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Chapra Muffasil P.S. Case no. 351 of 2020 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-IX, Saran at Chapra.

(Partha Sarthy, J)

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