

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39327 of 2020

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

Suraj Kumar @ Suraj Kumar Sah Son Of Tarkeshwar Sah @ Tarkeshwar Sah
Gaur Resident of Village - Mubarakpur, P.S.- Rivilganj @ Revelganj, Dist.-
Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Chandra Gandhi, Adv.
For the State : Mr. Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 10-02-2021 Heard learned counsel for the petitioner and the learned
APP for the State.

Learned counsel for the petitioner is expected to honor his
undertaking given in the instant case for depositing the requisite
court fee and to remove the defects as pointed out by office
when called upon.

The petitioner seeks bail in Chapra Muffasil PS Case No.
351 of 2020 instituted for the offence under Sections 461,379
and 411 of the Indian Penal Code.

The allegation against the petitioner is that six stolen
mobiles were recovered from his house.

Learned counsel for the petitioner submits that the
petitioner has not committed any offence in the manner alleged



and he has falsely been implicated in this case on the basis of confessional statement of co-accused, Raja Ansari. Learned counsel next submits that petitioner is not named in the FIR and he purchased the mobile phones from somebody else on payment basis but petitioner has been arrested alleging that the mobile phones purchased by him are the stolen mobiles. Learned counsel next submits that the petitioner is in custody since 27.08.2020. Co accused Ankaj Kumar @ Ankaj Kumar Singh from whose possession alleged stolen mobile phones were recovered has also been allowed bail in Cr Misc No 35392 of 2020.

Having regard to the submissions made by the parties and taking into consideration the materials on record and the fact that petitioner is in custody since 27.08.2020 having no criminal antecedent, I am inclined to grant regular bail to the petitioner.

The learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, IX, Saran at Chapra, in connection with Chapra



Muffasil PS Case No. 351 of 2020, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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