

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.39464 of 2020**

Arising Out of PS. Case No.-153 Year-2019 Thana- CHANDAN District- Banka

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DHANESHWAR YADAV Son of Radho Yadav Resident of Village- Rajla,  
P.S. Jhajha, District- Jamui

... .. Petitioner/s

Versus

The State of Bihar B

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Ranjan Kumar Jha, Advocate

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

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**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

2      17-02-2021                      Heard learned Counsel for the petitioner and the learned  
Counsel for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in Chandan (Anandpur) PS Case No. 153 of 2019 registered under Section 394 of the IPC.

There is allegation that the informant has been looted of his belongings and mobile phone by four persons who were armed.

Learned Counsel for the petitioner submits that upon examination of tower Location for the looted mobile phone's IMEI number the same has been recovered from his house. The petitioner was bonafide purchaser of the same which he purchased from the co-accused Bhim Yadav. It is submitted that he was a bonafide purchaser of the mobile without knowledge of the same having been stolen by co-accused and therefore it was kept "on" leading to its location. The petitioner has himself surrendered before the police on coming to know of the recovery of cell phone from his house. He has earlier been



accused in two more cases in which is already on bail. In the instant case he is now in custody since 18.2.2020, one year.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of SDJM Banka in Chandan (Anandpur) PS Case No. 153 of 2019 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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