

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4515 of 2021

Arising Out of PS. Case No.-477 Year-2019 Thana- KAJI MUHAMMADPUR District-
Muzaffarpur

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Pawan Kumar @ Pawan Kumar Sah aged about 25 years, (Male) son of
Ram Briksh Sah, Resident of village- Narayanpur Sapahi, Police Station
Sakra, District- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opp Party

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Appearance :

For the Petitioner : Mr. Sanjay Kumar Anjana Advocate
For the State : Ms. Renu Kumari APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 14-07-2021 In view of the sudden resurgence of Covid-19 infection,
there is limited functioning of the High Court and, therefore, the
matter has been listed today for consideration through virtual
mode.

2 Learned counsel for the petitioner is expected to honour
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 to do so by the office.

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

4. The petitioner seeks bail in Kazi Mohammadpur PS
Case No 477 of 2019, instituted for the offence under Sections
420 and 406 of the Indian Penal Code.

5. There is recovery of 7 mobile phones from the
possession of petitioner. Based on such recovery, he has been
implicated in the instant case. The case was initially lodged
against one delivery boy (co-accused) that he has misappropriate
27 mobile phones valued Rs. 5,66,960/-.



6. The learned counsel for the petitioner submits that from the seizure list, it is obvious that other than the police personnel, there is no witness to the recovery; copy of the seizure list has also not been handed over to the petitioner. The recovery is alleged in the month of July 2020 where as the offence has taken place much earlier, i.e. in the month of November 2019. The petitioner is accused in one more case, which is still pending i.e. Sakra PS Case No. 341 of 2020.

7. The case diary had earlier been called for. The court has made specific query from the learned APP as to whether any material has surfaced in the investigation against the petitioner. The learned APP pleads helplessness. It is submitted that in spite of great efforts for the last 3-4 days, copy of the case diary has not been made available to her by the office of the learned Advocate general.

8. Considering the rival submissions and based on the case made out by the petitioner and having regard to the fact that petitioner is in custody since 11.09.2020, 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 **ACJM 1st (East) Muzaffarpur**, in connection with **Kazi Mohammadpur PS Case No 477 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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