

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9388 of 2022

Arising Out of PS. Case No.-1048 Year-2021 Thana- ARARIA District- Araria

NASIM @ NASIM MANSOORI S/o- Hasibul Mansuri @ Timhu Resident of
Village - Araria Basti, Ward No. -07, P.S. - Araria (Bairgachhi), District -
Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Choubey

For the Opposite Party/s : Mr.Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 27-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Araia (Bairgachhi OP) P.S. Case No. 1048 of 2021 registered for the alleged offences under Sections 379, 411, 413, 414 and 34 of the Indian Penal Code.

The prosecution case is that on getting information that stolen mobile phone was being used by the petitioner, the house of the petitioner was raided by the police and from the house of the petitioner, a large number of mobile phones along with their accessories were recovered.



Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. He is a mechanic of the mobile phones. It is not unusual for a mechanic to have such large number of mobile phones in his possession since the petitioner used to repair the mobile phones. Then it is also a fact that the informant Surendra Saw on whose information, the police conducted the raid had made a call on his stolen phone and the petitioner himself told him his name and address. If the petitioner were involved in the business of stolen mobile phones he would not have picked the call of informant and told him his name and address. It is also apparent from the FIR that petitioner was present in the house and was repairing mobile phones. There is nothing of substance to connect this petitioner with the alleged offence and the recovered mobile phones and it is still not clear whether phones are stolen or not. Charge sheet has been submitted in this case and the petitioner is in custody since 14.12.2021.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that a large number of mobile phones had been recovered from the house of the petitioner and such type of mobile phones are not kept by mechanic though he concedes that the petitioner has no criminal antecedent.

Having regard to the submissions made hereinabove



and considering the fact that the petitioner is not having any criminal antecedent and further considering the submission of charge sheet as well as period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Araria (Bairgachhi OP) P.S. Case No. 1048 of 2021, subject to the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

Gautam/-

U		T	
---	--	---	--

