

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12088 of 2022

Arising Out of PS. Case No.-32 Year-2021 Thana- KHAGARIA RAIL P.S. District- Khagaria

ABHISHEK KUMAR Son of Sunil Prasad Thatheri Resident of Village-
Madhurapur, Ward No. 13, P.S.- Bihpur (Bhawanipur), District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amrendra Kumar

For the Opposite Party/s : Mr. Ramchandra Sahni

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 13-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner seeks regular bail in connection with
Khagaria (Rail) P.S. Case No. 32 of 2021 for the offence
punishable under Sections 401 and 414 of the Indian Penal
Code.

As per the allegation made in the F.I.R., one Nokia
company mobile along with SIM of Airtel company was
recovered from the possession of the petitioner. IMEI number of
the said mobile as per the F.I.R. and the seizure list is
357708102893968 and 3577031047999968.

Learned counsel appearing on behalf of the petitioner



submits that the petitioner is innocent and he has falsely been implicated in this case. He further submits that alleged mobile which has been recovered from the possession of the petitioner belongs to the petitioner. Deliberately seizing authority has not mentioned the number of the mobile, though it has been mentioned in the F.I.R. that the said mobile carries SIM of Airtel Company. It is further submitted that neither the said mobile phone is stolen one nor the petitioner was found to be involved in any illegal activity or planning for committing any illegal act. Petitioner is in custody since 28.09.2021.

Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

Considering the nature of allegation made in the F.I.R., petitioner has claimed that he is the owner of the alleged mobile phone, however no statement has been made in the bail application with respect to any document to show that the said mobile has been purchased by the petitioner, though it appears from the F.I.R. that the said mobile was having connection of Airtel company, but the SIM number/mobile number has not been disclosed either in the F.I.R. or in the seizure list, that apart there is no specific allegation against the petitioner, the petitioner who is in custody since 28.09.2021, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees



twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Railway, Khagaria in connection with Khagaria (Rail) P.S. Case No. 32 of 2021 , subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(5) The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in Para- 3 of the bail petition, this order will automatically loose its force.

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(Purnendu Singh, J)

