

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20737 of 2022

Arising Out of PS. Case No.-335 Year-2021 Thana- MOUZAHDIPUR District- Bhagalpur

Ramanand Kumar, Son of Parmanand Mandal Resident of village - Aligunj,
Marwasthan, Maheshpur, P.S.- Mojahidpur (Bahargunj), Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Swapnil Kumar Singh

For the Opposite Party/s : Mr. Nityanand

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 13-09-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with
Mojahidpur (Babbargunj) P.S. Case No. 335 of 2021,
registered for the offences punishable under Sections 392 of
the Indian Penal Code. Later on, Section 411 of the Indian
Penal Code has been added.

As per the prosecution case, emerging from the
FIR, when the informant was purchasing banana from a shop
near Hotel Rimjhim, two persons stopped his cycle and
snatched his mobile and money. They also threatened the
informant of dire consequences.



The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that investigation is complete and charge-sheet has already been submitted and only evidence against the petitioner is the alleged confessional statement of co-accused in which his name has transpired and it is also allegedly found by the Police that looted mobile has been recovered from the possession of the present petitioner. However, Ld. Counsel for the petitioner submits that mobile belongs to himself and this is not item of loot.

The petitioner has been languishing in jail since 18.12.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 of the petition that the petitioner has no criminal antecedent.

However, the learned APP for the State vehemently opposes the prayer for bail.

Considering the aforesaid facts and circumstances



the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Chief Judicial Magistrate, Bhagalpur, in connection with Mojahidpur (Babbargunj) P.S. Case No. 335 of 2021, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the



petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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