

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.37983 of 2021**

Arising Out of PS. Case No.-200 Year-2020 Thana- RAFIGANJ District- Aurangabad

RAVIKANT KUMAR, Son of Late Siyaram Gahlaut, Resident of Village-
Madanpur, P.S.- Madanpur, District- Aurangabad (Bihar)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Leelawati Kumari, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 19-01-2022 Learned counsel for the petitioner undertakes to remove the defects as pointed out by the Stamp Reporter within four weeks after start of normal functioning of this Court.

Heard learned counsel for the petitioner and Mr. Md. Fahimuddin, learned APP for the State.

The petitioner in the present is seeking regular bail in connection with Rafiganj P.S. Case No. 200 of 2020 registered for the offences punishable under Sections 461, 379 of the Indian Penal Code. The petitioner is in custody since 03.04.2021. He has no criminal antecedent.

Learned counsel for the petitioner submits that as per the prosecution story, some unknown thieves committed theft in the shop of the informant in the night of 22.08.2020. It is



alleged that unknown thieves have taken away laptop, home theater, forty pieces of mobile kept for repairing and five pieces of new mobile and cash of Rs. 15,000/-.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that the petitioner is not named in the F.I.R. and his name transpired in the confessional statement of co-accused Om Kumar with allegation that the stolen mobile was sold to this petitioner. The petitioner is pursuing his graduation having no criminal antecedent and he is in custody since 03.04.2021.

Mr. Md. Fahimuddin, learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Having regard to the submissions that the petitioner is not named in the F.I.R., his name has transpired in the confessional statement of the co-accused Om Kumar and the only allegation which has come against the petitioner is that the stolen mobile phone was sold to this petitioner, the submission that the petitioner is pursuing his graduation having no criminal antecedent and he is in custody in connection with this case since 03.04.2021, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs. 25,000/-



(twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II-cum-Special Judge (Excise), Aurangabad (Bihar) in connection with Rafiganj P.S. Case No. 200 of 2020, subject to the conditions as laid down under Section 437(3) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

vats/-

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

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

