

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28574 of 2022

Arising Out of PS. Case No.-419 Year-2021 Thana- RAJGIR District- Nalanda

MD. PERVEZ ALAM S/o Md. Sultan, Resident of- Aktar Sarai, P.S.-
Islampur, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 30457 of 2022

Arising Out of PS. Case No.-419 Year-2021 Thana- RAJGIR District- Nalanda

PINKU KUMAR S/o Arun Pandit, Resident of Village- Atasarai, P.S.-
Islampur, District- Nalanda.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 28574 of 2022)

For the Petitioner/s : Mr.Ritesh Kumar, Advocate

For the Opposite Party/s : Mr.Ajay Kumar No.2, APP.

(In CRIMINAL MISCELLANEOUS No. 30457 of 2022)

For the Petitioner/s : Mr.Pankaj Kumar, Advocate

For the Opposite Party/s : Mr.Chandra Bhushan Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 15-09-2022 This case and Cr. Misc. Case No. 30457 of 2022 both

arise out of same police station, therefore they have been heard

together and being disposed of by this common order.

Let the defect(s), if any, be removed within two weeks

from today.

Heard learned counsel for the petitioners and learned

A.P.P. for the State.

The petitioners seek regular bail in connection with Rajgir P.S. Case No. 419 of 2021 under Sections 392 of the Indian Penal Code.

As per allegation, F.I.R. has been lodged against 3 unknown persons upon whom the allegation of robbery is there to snatch motorcycle and mobile.

Learned counsel for the petitioner submits that recovery of the alleged mobile has been made from his possession. He has categorically stated in his bail petition that the said mobile has been recovered due to the reason that he has purchased the said mobile on payment of Rs.2500/- to one of the accused persons without any knowledge that it is subject to theft. He further submits that antecedent of the petitioner is clean and he is in custody since 14.11.2021, charge sheet has already been filed in this case.

So far as the bail petition of Cr. Misc. No. 30457 of 2022 is concerned, the learned counsel for the petitioner submits that nothing was recovered from the possession of petitioner and he was not put on T.I.P.. He further submits that police has caught the petitioner by virtue of confessional statement of co-accused persons, who were granted bail from the Co-ordinate

Bench of this Court vide order dated 06.07.2022 and 14.07.2022 passed in Cr. Misc. No. 26446 of 2022 and 15335 of 2022 respectively. Learned counsel for the petitioner further submits that the petitioner is in custody since 15.02.2022 having one criminal antecedent of different nature.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of the case and the submissions made above, let the petitioners above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Bihar Sharif in connection with Rajgir P.S. Case No. 419 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

With these observations, the bail applications stand allowed.

(Dr. Anshuman, J.)

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