

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 38125 of 2022

Arising Out of PS. Case No.-53 Year-2022 Thana- EKANGARSARAI District- Nalanda

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Rohit Kumar S/o Kamta Paswan R/o village- Ranipur Lodhi Katra, P.S.-
Khajekalan, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Paswan, Adv.

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 22-11-2022 Let the defect(s), if any, be removed within two
weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Ekangarsarai P.S. Case No. 53 of 2022 lodged under Sections
461 and 379 of the Indian Penal Code.

As per the prosecution case, the informant filed a
written application before the Ekangasarai P.S. on 25.02.2022
after closing his mobile shop namely Royal Communication
Mobile, he returned after 8 pm. On the next day, in the morning
he received the information that shutter of his mobile shop has
been broken. Then the informant reached there and found that
the shutter was broken and earphone, watch, 5 pieces of mobile,

one tab, 6 pieces of Lava mobile and one other mobile has been stolen. With this allegation, F.I.R. was lodged against unknown persons.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He submits that petitioner is in custody since 08.03.2022, having clean antecedent. Charge sheet has already been filed but charge has not been framed in this case. He also submits that name of the petitioner has come in this case by virtue of confessional statement of the co-accused. Learned counsel further submits that one co-accused has been granted bail vide order dated 01.09.2022 in Cr. Misc. NO. 29411 of 2022 by the Co-ordinate Bench of this Court.

Learned counsel for the petitioner submits that petitioner was not put on T.I.P.

Learned counsel for the State opposes the prayer for bail and submits that petitioner's name has come in this case by the confessional statement of the co-accused and 2 stolen mobile phones have been recovered by virtue of confessional statement.

From the order sheet it transpires that from the possession of the said accused who has been granted bail vide

order dated 01.09.2022 in Cr. Misc. NO. 29411 of 2022 by the Co-ordinate Bench of this Court nothing incriminating has been recovered nor he was put on T.I.P. Whereas, in the present case, the recovery of mobile is there.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner, therefore, bail petition is hereby **rejected**.

Liberty is hereby granted to the petitioner to move with prayer for bail 2 months after framing of charge. Thereafter, Trial Court is directed to release the petitioner on bail after imposing its own conditions, so that he may not evade his appearance during trial.

(Dr. Anshuman, J.)

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