

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31645 of 2022

Arising Out of PS. Case No.-39 Year-2022 Thana- ARA RAIL P.S. District- Bhojpur

PANDU NONIYA S/o Lakshman Mahto Resident of Village- Babupur, P.S.-
Tinpahad, District- Sahebganj (Jharkhand).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh
For the Opposite Party/s : Mr.Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 25-08-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within one

month.

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the

offences punishable under Sections 379, 411 and 414/34 of the

Indian Penal Code.

As per allegation on the alleged date and time of

occurrence, petitioner and co-accused were caught by the police in

suspicious of having committed theft and from the possession of this

petitioner 02 mobile phones were recovered and one mobile phone

was recovered from the possession of Ganesh Kumar which was

identified by the passenger and on the disclosure of this petitioner,

alleged house of co-accused was raided and several mobile phones

were recovered which had been stolen by the accused persons.



The main submissions advanced by Sri Anil Kumar Singh, the learned counsel for the petitioner are that petitioner has got no criminal antecedent, he has been languishing in jail since 7.3.2022 and investigation has been completed against him, at the time of arrest, passengers presented at the platform did not claim the mobile phones having been recovered from the possession of this petitioner being of them and as such there is no material/evidence that recovered mobiles were stolen mobiles.

Sri Umanath Mishra, learned APP appearing for the State has opposed the prayer for bail.

Heard both sides and perused the FIR. Petitioner has got no criminal antecedent, he has been languishing in jail since 7.3.2022 and investigation has been completed against him and in the present case, he is facing trial.

Though the mobile phones were recovered from the possession of the petitioner but considering the petitioner's custody period and stage of the case, in the opinion of this court, a lenient approach can be taken in respect of the petitioner. Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Railway Judicial Magistrate, Bhojpur at Ara in Ara Rail P.S Case No. 39 of 2022 on the following conditions:-

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



and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

(3) One of the bailers shall be close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

The court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioner is found then the court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J)

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