

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41763 of 2021**

Arising Out of PS. Case No.-538 Year-2020 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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SHASWAT ANURAG @ CHOTU S/O ARUN KUMAR R/O MOHALLA-
CHITRAGUPT NAGAR, NEAR TEACHERS COLONY, P.S.-
CHITRAGUPT NAGAR, DISTRICT-KHAGARIA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha, Adv.

For the Opposite Party/s : Ms.Gulnar Begum, APP

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 04-01-2022 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks regular bail in connection with Kotwali (Jogsar) PS case no. 538 of 2020 instituted for the offences punishable under Sections 356, 379 of Indian Penal Code.

The allegation is regarding unknown miscreants having snatched the mobile phone of the informant.

The learned counsel for the petitioner has



submitted that the petitioner is innocent and has been falsely implicated in the present case. The learned counsel for the petitioner has further submitted that the petitioner has been remanded in the present case after he was arrested in one other case bearing Kotwali (Jogsar) PS case no. 743 of 2020, registered under Sections 25(1-b)a, 26 of Arms Act, in which several mobile phones, one pistol and cartridges were recovered, upon recording of the confessional statement of the petitioner herein. The learned counsel for the petitioner has also submitted, by referring to paragraph no. 10 of the present petition, that the looted mobile phone of the informant has not been recovered from the possession of the petitioner, hence the petitioner is not having any complicity in the present case. The petitioner is said to be languishing in custody since 05.01.2021.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that as far as the present case is concerned, the looted mobile phone of the informant has not been recovered from the possession of the petitioner and the



petitioner has already been granted bail in the other case in which he is an accused, apart from the fact that he is languishing in custody since about a year, I deem it fit and proper to admit the petitioner to the privilege of bail. Accordingly, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of J.M. 1st class, Bhagalpur in connection with Kotwali (Jogsar) PS case no. 538 of 2020.

(Mohit Kumar Shah, J)

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