

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.47587 of 2021**

Arising Out of PS. Case No.-38 Year-2021 Thana- DESARI District- Vaishali

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KUNDAN KUMAR S/O SRI ASHARFI RAY Resident of Village- Kurtha  
Phulwariya, P.S.- Khusrupur, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

**Appearance :**

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

For the Opposite Party/s : Mr.A.G

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

2      02-03-2022                      Heard the learned counsel for the petitioner and the  
  
learned APP for the State.

The petitioner seeks regular bail in connection  
with Desari PS case no. 38 of 2021 instituted for the offences  
punishable under Section 395 of Indian Penal Code.

The allegation is regarding some miscreants  
having entered inside the house of the informant and having  
committed loot of various articles including cash amount to  
the tune of Rs. 6 lacs and gold jewellerys, whereafter they are  
stated to have fled away. The informant is stated to have  
identified three miscreants namely Gudu Ram, Sudhir Rai and  
Ajeet Rai.

The learned counsel for the petitioner has



submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 01.03.2021. The learned counsel for the petitioner has further submitted that the petitioner has been arrested in the present case merely on suspicion on the basis of call details record of the stolen mobile phone which is stated to have been recovered from the petitioner, however in paragraph 9 of the present petition, the petitioner has explained that he had found the said mobile phone on the road side and had picked it up.

*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 the list of articles alleged to have been stolen from the house of the informant do not state about any mobile phone having been stolen by miscreants, as per the allegation made in the FIR by the informant, apart from the fact that the petitioner is having a clean antecedent and no looted cash amount or jewellery is stated to have been recovered from the petitioner, 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 A.C.J.M. XV, Vaishali at Hajipur in connection with Desari PS case no. 38 of 2021.

**(Mohit Kumar Shah, J)**

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