

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46857 of 2021**

Arising Out of PS. Case No.-56 Year-2021 Thana- RAJNAGAR District- Madhubani

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GULSHAN KUMAR JHA S/o BIRENDRA JHA R/o VILLAGE-
SHAHARGHAT, P.S- SHAHARGHAT, DISTRICT- MADHUBANI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha, Advocate

For the Opposite Party/s : Mr.Dr. Mrityunjay Kr. Gautam, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 28-02-2022 Heard the learned counsel for the petitioner and
Dr. Mrityunjay Kr. Gautam, the learned APP for the State.

The petitioner seeks regular bail in connection with Rajnagar PS case no. 56 of 2021 instituted for the offences punishable under Section 414 of Indian Penal Code and Section 46 of Prisoners Act.

The allegation is that while the petitioner was in Jail in connection with one other case, a raid was conducted in the Jail premises and as far as the petitioner is concerned, one mobile phone with sim card along with one mobile charger was recovered from his possession.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is languishing in custody



since 23.03.2021. The learned counsel for the petitioner has further submitted that the petitioner has been falsely implicated in the present case, inasmuch as since, he was in jail, he could not have been in possession of a mobile phone, hence it is submitted that the petitioner is not having any concern either with the seized mobile phone or the charger.

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 petitioner has not been alleged to have used the mobile phone in question for hatching any sort of criminal conspiracy, apart from the fact that the petitioner is in custody since 23.03.2021, I deem it fit & proper to grant benefit of doubt to the petitioner for the purposes of grant of bail. In such view of the matter, I deem it appropriate 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. 1st, Madhubani in
connection with Rajnagar PS case no. 56 of 2021.

(Mohit Kumar Shah, J)

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