

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41115 of 2022

Arising Out of PS. Case No.-65 Year-2022 Thana- DANAPUR District- Patna

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Dhiraj Kumar Son of Late Gajadhar Paswan Resident of Mirza Chauki (Mirza Chowki), Mahadewaran, P.S. - Mirza Chauki (Mirza Chowki), District - Sahebganj, State - Jharkhand.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Prasad Singh, Advocate

For the Opposite Party/s : Mr. Rajiv Nayan, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 14-10-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Sessions Trial No. 494 of 2022 arising out of
Danapur P.S. Case No. 65 of 2022 registered for the alleged
offences under Sections 413 and 414 of the Indian Penal Code.

As per prosecution case, police received secret
information about 2-3 persons selling mobile phones at a
particular place. On seeing the police, three youths tried to run
away but they were apprehended and petitioner is one of the
apprehended persons. From the search of the bag of co-accused



Gopal Nonia, total 67 mobile phones of different varieties and brands were recovered and all are stated to be stolen from different places.

The learned counsel for the petitioner submits that nothing incriminating has been recovered from the person or possession of this petitioner and the prosecution story is false and concocted. It is clear from the FIR that allegedly seized articles have not been recovered from the possession of this petitioner, so there will be no application of any of the Sections mentioned in the FIR against this petitioner who has nothing to do either with the seized mobile phones or the co-accused persons. The petitioner is in custody since 28.01.2022 and charge-sheet has been submitted. The petitioner is having clean antecedent.

Learned APP opposes the prayer for bail submitting that the petitioners belongs to a gang of thieves.

Having regard to the submissions made hereinabove and further considering the period of custody along with his clean antecedent and the submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned



Additional Chief Judicial Magistrate-1st Civil Court, Danapur in connection with Sessions Trial No. 494 of 2022 arising out of Danapur P.S. Case No. 65 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the other following conditions:

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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