

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44741 of 2022

Arising Out of PS. Case No.-127 Year-2022 Thana- MOUZAHDIPUR District- Bhagalpur

RAM PRAVESH GUPTA @ BABLU KUMAR SAH Son of Late Suresh Sah
Resident of Village - Panchbatihat sabour, Police Station- Sabour, District -
Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar

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

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-11-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Mojahidpur P.S. Case No. 127 of 2022 registered for the
offences punishable under Sections 406, 379 and 411 of the
Indian Penal Code.

As per prosecution case, one person was
apprehended whose name is Animesh Kesri. It is alleged that
one mobile phone was recovered from said person and after that
the said person was handed over to police.

Learned counsel for the petitioner submits that



petitioner is in custody since 24.04.2022. Petitioner bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel for the petitioner further submits that petitioner is not named in the FIR. The name of the petitioner has been surfaced in this case upon the confessional statement of the co-accused Animesh Kesri. No incriminating article has been recovered from the possession of the petitioner. It has not been established that the alleged mobile phones which have been recovered is stolen property and in absence of that no offence under Section 411 of IPC is made out. Learned counsel also submits that petitioner denies the allegation that he had taken the house on rent from where the alleged mobiles phones have been recovered as he has two houses to live and there is no necessity to live in a rented accommodation.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into



consideration the material available on record, let the petitioner above named be released on bail after framing of charge on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Mojahidpur P.S. Case No. 127 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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