

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58785 of 2021

Arising Out of PS. Case No.-104 Year-2021 Thana- SAHEBPUR KAMAL District-
Begusarai

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Raushan Sharma @ Raushan Kumar Sharma Son of Sri Chhdi Lal Sharma
Resident of Village - Manori, P.S.- Sonbarsha Raj, District - Saharsa (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anant Kumar 1, Advocate.
For the Opposite Party/s : Mr. Mukeshwar Dayal, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-04-2022 Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

The application has been filed for grant of bail to the
petitioner, above named, who has been made accused and put
behind the bar in connection with S. Kamal P. S. Case No. 104
of 2021 registered for the offence punishable under Section 392
of the Indian Penal Code.

As per the prosecution case, it is alleged that three
unknown miscreants, who were sitting on a Bolero Vehicle,
intercepted the informant and looted Rs. 27,800/-, two mobile



phones and keys of his motorcycle.

It has been submitted on behalf of the petitioner that the petitioner is not named in the F.I.R. and his name has transpired on the confessional statement of co-accused Angad Kumar, who in his confessional statement, has stated that one of the looted mobile phones has been sold to this petitioner on payment of Rs. 400/-, except the aforesaid material, nothing has come during the investigation. It is further submitted that till date the petitioner has not been put on T.I.P. and is in custody since 21.06.2021. It is next submitted that the petitioner has neither any concern with the said vehicle nor with the miscreants, who were found involved in the crime.

On the other hand, learned APP for the State opposes the bail application of this petitioner.

Having heard the submissions made on behalf of the parties and taking into consideration this fact that the F.I.R. has been instituted against unknown persons and the name of the petitioner has transpired on the confessional statement of co-accused, who simply said that he sold the looted mobile phone to the petitioner, except that there is no materials available on record against this petitioner and he has no criminal antecedent and is in custody since 21.06.2021. Let the petitioner, above



named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with S. Kamal P. S. Case No. 104 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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