

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10066 of 2021

Arising Out of PS. Case No.-293 Year-2020 Thana- GARDANIBAG District- Patna

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Vishal Kumar @ Monti @ Vishal Pratap, aged about 23 years, S/o Late Samir Jayaswal, R/o Village- Gate No. 1, D.V.C. Chowk, Gardanibagh, P.S.- Gardanibagh, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha, Adv.

For the Opposite Party/s : Ms. Anita Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 22-02-2022 Heard the counsel for the parties.

The petitioner seeks bail in anticipation of his arrest in connection with Gardanibagh P.S. Case No. 293 of 2020, dated 03.06.2020, instituted for the offences under Sections 413, 414 and 401 of the Indian Penal Code.

Three persons were reported to have assembled for committing some crime near the D.V.C. crossing.

It has been alleged in the F.I.R. that one of the



persons, who was arrested, has disclosed his name as Pravin Kumar. At the instance of aforesaid Pravin Kumar, the name of the petitioner has transpired in this case.

The house of the petitioner also was raided, but he was found absent. Two mobile telephones, without SIM cards, are said to have been recovered.

It has been submitted on behalf of the petitioner that those mobile telephones are his and there is no complaint with respect to those phones being stolen. Thus, for all practical purposes, the accusation of the petitioner in the present case is based on confession of an arrested accused person. It has further been submitted that the recovery from the house of the petitioner cannot be stated to be recovery of stolen property warranting prosecution under Section 414 I.P.C.

Though the petitioner was earlier made accused in two cases of Excise Act, but he is on bail in such cases.

Regard being had to the facts afore-stated, the petitioner, in the event of his arrest or surrender before the learned Court below within a period of four weeks, is



directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XIV, Patna in connection with Gardanibagh P.S. Case No. 293 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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