

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64647 of 2021

Arising Out of PS. Case No.-306 Year-2018 Thana- LAHERIMUHALLA District- Nalanda

Pintu Kumar, Son of Ishwar Prasad, R/O of Mohalla-Murarpur, P.S.-Laheri,
District-Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ganesh Sharma, Advocate

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

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 15-04-2022 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Laheri
P.S. Case No.306 of 2018 registered for the offence punishable
under Sections 461, 379, 411 of the Indian Penal Code.

One stolen mobile phone was recovered from the
petitioner's possession.

Learned counsel for the petitioner submits that the
petitioner has suffered because he did not exercise due diligence
while purchasing the mobile phone set from someone. His *bona*
fide is evident from the fact that he was using the phone by
putting a SIM in his name in the phone. He has no criminal
antecedents, has not been put on T.I. Parade and continues to be
in custody since 31.08.2021.



Learned APP has opposed the prayer by submitting that the stolen mobile phone was recovered from the petitioner's possession and he was using the same.

Considering the rival submissions, this Court having regard to the period of custody and the fact that the petitioner has no antecedents and at best, allegation is of recovery of one stolen mobile phone, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate/Successor Court, Nalanda at Biharsharif, in connection with Laheri P.S. Case No.306 of 2018, subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail



bond will be liable to be cancelled.

This Court would expect that the petitioner’s counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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