

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68775 of 2021

Arising Out of PS. Case No.-14 Year-2020 Thana- MEHANDIA District- Jehanabad

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Ravi Kumar, Son of Kishori Prasad, Resident of Village - Abgilla Devi Sthan,
P.S.- Mufassil Gaya, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Y.C. Verma, Sr. Advocate Mr. Shivendra Prasad, Advocate Mr. Ashok Kumar, Advocate
For the Opposite Party/s :		Mr. Arun Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 26-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Mehendiya P.S. Case No. 14 of 2020 registered for the alleged offences under Section 392 of the Indian Penal Code.

As per prosecution case, the informant being a salesman in a trading agency had gone to collect money on behalf of his agency along with his sales officer. On the date of occurrence, four motorcycle borne miscreants surrounded them



and three of them pointed their pistols and threatening the informant with life, they forcibly snatched rupees 60-65 thousands which was collected by the informant and his sales officer. Apart from money they also took their mobile phones and the keys of the motorcycle. The name of the petitioner transpired as an accused during investigation.

The learned senior counsel appearing for the petitioner submits that the petitioner runs a mobile repairing shop and he put his sim-card in one of the looted mobile for a few seconds probably for checking it and on that basis he has been made accused in this case. Learned counsel further submits that the same was done by the petitioner after ten months of the alleged occurrence and he has not involved in looting of the money or mobile phones from the informant. Learned counsel further submits that merely on the basis of suspicion, this petitioner has been made accused in this case. No recovery has been made from him. The petitioner is in custody since 06.08.2021 and the charge-sheet has been submitted in this case. The petitioner has got clean antecedent.

Learned APP opposes the prayer for bail submitting that the sim-card of the petitioner was used in looted mobile and this fact is apparent from paragraph 149 of the case diary.

Having regard to the facts and circumstances and



submissions made on behalf of the petitioner and considering the fact that the petitioner has got no criminal antecedent and further considering the period of custody of the petitioner along with 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 Chief Judicial Magistrate, Arwal, in connection with Mehendiya P.S Case No. 14 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the 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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