

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69655 of 2021**

Arising Out of PS. Case No.-65 Year-2021 Thana- JAHANABAD District- Jehanabad

Md. Sajid, Son of Md. Aay Hashan, Resident of Village- Bijora, P.S.-
Bhagwanganj, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal, Sr. Advocate Mr.Arvind Kumar,Advocate Mr. Kumar Devraj,Advocate
For the Opposite Party/s :		Mr.Bharat Lal,APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

3 28-09-2022 Heard learned senior 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 Jehanabad P.S. Case No. 65 of 2021 registered for the alleged offences under Sections 302 and 394 of the Indian Penal Code.

As per prosecution case, unknown miscreants committed murder of a lady who was neighbour of the informant and took away her belongings including the mobile phones. The name of the petitioner transpired as an accused during investigation.



The learned senior counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case merely on the basis that the mobile phones stated to be belonging to the deceased were recovered from the almirah of this petitioner. But the two mobile phones were given to this petitioner by one Jhonny @ Jafar Imam, who was later on, arrested by the police. Except for mobile phones, the police did not recover any other incriminating article from the possession of this petitioner. Learned counsel further submits that if the defence of the petitioner is considered that he was given the mobile phones by the co-accused, nothing remains in this case against the petitioner. Learned counsel further submits that even during investigation the wife of the co-accused stated that the mobile phones were given to this petitioner by her husband. The petitioner is in custody since 21.03.2021 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 on the basis of IMEI number of the mobile phones of the deceased, the petitioner was apprehended and the mobile phones were recovered from the house of the petitioner. However, he concedes that in paragraph 103 of the case diary, it has come that the co-accused gave the mobile phones to the petitioner.

Perused the records.



Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the possibility of petitioner getting the mobile phones from the co-accused and further considering the clean antecedent of the petitioner along with his period of custody and 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, Jehanabad in connection with Jehanabad P.S Case No. 65 of 2021, 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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