

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69965 of 2021

Arising Out of PS. Case No.-336 Year-2021 Thana- GARDANIBAG District- Patna

Suryansh Kumar @ Shivam Kumar Son of Satish Kumar Singh Resident of House No.- 4, Kacchi Talab, West - South Corner, P.S.- Gardanibagh, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jay Prakash Sharma
For the Opposite Party/s : Mr.Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-04-2022 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in a case registered for the offences punishable under Sections 457, 380, 411 of the Indian Penal Code.

According to prosecution case, the informant namely Arvind Kumar lodged a complaint with Gardani Bagh police station on 06.09.2021 alleging therein that while he was sleeping inside his house on 03.09.2021 then his cellphone of REDMI-5 containing Jio SIM as well as BSNL was stolen. He further alleged therein that on inquiry, he came to know that



Ram Kumar along with his two friends were in the habit of committing theft and thereafter, he came about his whereabouts. In the morning, when he was out for a walk then he noticed Ram Kumar who was having a stroll and immediately, the police was informed and police team came and on chase, he was overpowered. Upon inquiry, Ram Kumar disclosed that his two accomplices namely Suryansh Kumar @ Shivam Kumar and Dablu @ Kallu assisted him in taking away the mobile set and they were in the physical possession of the mobile. Upon this information, the police proceeded and Suryansh Kumar @ Shivam Kumar was arrested who was in the physical possession of the mobile and another co-accused namely Dablu @ Kallu managed to escape after seeing the police team.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that the date of occurrence took place on 03.09.2021 but the present F.I.R. has been instituted on 06.09.2021 after delay of three days without any explanation of delay. He further submits that one mobile phone has been recovered from the conscious possession of the petitioner. He further submits that mobile was purchased from the co-accused



namely Ram Kumar for an amount of Rs.500/-. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 06.09.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, 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 Court below where the case is pending in connection with Gardanibagh P.S. Case No. 336 of 2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation



of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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