

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31608 of 2023

Arising Out of PS. Case No.-13 Year-2023 Thana- MAGADH UNIVERSITY District- Gaya

Nandu Kumar Son Of Yogendra Singh Resident Of Village-Hanuman Chak,
P.S.-Didarganj, District-Patna

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nawal Kishore Singh, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-06-2023 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

The petitioner seeks bail in connection with Magadh
University P.S. Case No. 13 of 2023 registered for the offence
under Section 392 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 10.02.2023.

The allegation against the petitioner is to commit
robbery alongwith other co-accused persons and while
committing so taken away cash of Rs. 32,000/- (Rupees Thirty-
Two Thousand Only) and one mobile phone belongs to
informant.

Learned counsel appearing on behalf of the petitioner
submitted that the petitioner falsely implicated with present case



as he is a bona fide purchaser of the mobile which was later on found looted during the course of investigation. It is submitted that said looted mobile purchased by this petitioner against a reasonable price of Rs. 6,000/- (Rupees Six Thousand Only) having no suspicion that said mobile may be stolen. It is submitted that nothing surfaced during the course of investigation, which may suggest that petitioner was under knowledge that alleged mobile was looted. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that petitioner is not named in the F.I.R.

Considering the facts and circumstances as mentioned above, as nothing appears during the course of investigation which may suggest that petitioner was under knowledge, *prima facie*, that mobile in issue was same looted mobile coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 10.02.2023, accordingly, the petitioner, above named, is directed to be released on bail in connection with Magadh University P.S. Case No. 13 of 2023



on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Gaya/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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