

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32237 of 2022

Arising Out of PS. Case No.-332 Year-2019 Thana- HARNAUT District- Nalanda

Parem Kumar @ Dhananjay Kumar @ Dhananjay Yadav @ P.K. Yadav @
Prem Kumar, aged about 35 years (Male), Son Of Ramdayal Ray R/O
Village- Hakikatpur, P.S.- Bakhtiyarpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Adv.

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

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 08-02-2023 Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in connection with Harnaut PS
Case No. 332 of 2019, dated 17-08-2019, registered for the offence
punishable under Section 392 of the Indian Penal Code.

Four persons on two motorcycles have accosted the
informant while he was on way to his home and it is alleged that they
have snatched the motorcycle and mobile phone.

Learned counsel for the petitioner submits that based on
his antecedents, he has been implicated in this case also. The stolen
mobile has allegedly been traced to be used by one Chanchala Devi,
co-villager of the petitioner, who, as per the police, has stated that
she is 'Bhabhi' of the petitioner and he has handed over the mobile
set to her. The statement, recorded by the police, in the course of
enquiry, is the only basis for petitioner's implication in the instant
case. There is no other material to even suggests his participation and
since 04-03-2020 he is in custody. This Court, however, finds from
the report dated 25-01-2023 of the learned Sub Divisional Judicial
Magistrate, Bihar Sharif (Nalanda) that till date no witness has turned



up in the Court.

Learned APP for the State has opposed the prayer for bail. It is submitted that allegedly stolen mobile phone has been recovered from the person who has stated to the police that the petitioner had given it to her. He also has several antecedents.

Considering the rival submissions, the period of custody, nearly three years by now, the fact that there is no progress whatsoever at the trial as well as the nature of material on record, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

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, Nalanda at Biharsharif, Dist. Nalanda at Biharsharif, in connection with Harnaut PS Case No. 332 of 2019, 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.

(Madhuresh Prasad, J)

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