

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34036 of 2023

Arising Out of PS. Case No.-401 Year-2022 Thana- DINARA District- Rohtas

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Shubham Kumar Patel @ Shubham Kumar @ Anurag Kumar Son Of
Dawarika Singh Resident Of Village- Sorathi, Ps- Dinara, District- Rohtas At
Sasaram.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raghunandan Kumar Singh, Advocate

For the Opposite Party/s : Mr.Nand Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 26-06-2023 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period

of four weeks from today.

The petitioner seeks bail in connection with Dinara
P.S. Case No. 401 of 2022 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 18.12.2022.

The allegation against the petitioner is to commit

robbery alongwith other co-accused persons and while

committing so taken away four mobile phones which was in

possession of informant at the time of occurrence.



Learned counsel appearing on behalf of the petitioner submitted that implication of this petitioner is only for the reason that one looted mobile was alleged to be recovered from his house. It is also submitted that co-accused, namely, Dishu Patel is the maternal uncle of this petitioner, who after occurrence kept looted mobiles in said house, which is jointly occupied by other family members. It is also submitted that alleged recovery of mobiles cannot be said to be recovered from the conscious physical possession of this petitioner. It is further submitted that compliance of Section 100(4) of the Cr.P.C. as regard to search of premises not appears to be followed in present case. While concluding the argument, it is submitted that petitioner subsequently after naming in this case, remanded in two other cases, where he is on bail and, moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above and by taking note of the fact, as alleged looted mobiles not appears to be recovered from conscious physical possession of this petitioner rather from joint house occupied by



the other family members, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 18.12.2022, accordingly, petitioner above named, is directed to be released on bail in connection with Dinara P.S. Case No. 401 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Rohtas at Sasaram/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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