

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34753 of 2023

Arising Out of PS. Case No.-52 Year-2023 Thana- KISHUNPUR District- Supaul

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AMIT KUMAR Son of Ashok Kumar Mandal @ Ashok Kumar Resident of
Village - Fulkaha, P.S.- Kishanpur, District - Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhim Kumar Yadav, Advocate

For the Opposite Party/s : Mr. Nirmala Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioner and the

learned APP for the State.

The petitioner is in judicial custody in connection
with Kishanpur P.S. Case No.52 of 2023 instituted under
Sections 379, 411/34 of the Indian Penal Code lodged on
07.03.2023 by the informant Manoj Kamat.

As per the FIR, the informant was returning to his
house by his E-rickshaw and at about 07:00 PM he stopped his
E-rickshaw on Thirbitta Bandh and went for toilet. In the
meantime four unknown persons came and took his mobile
Redmi Note 6 Pro bearing SIM No.8409703842 and fled away.
Accordingly, the FIR.

It has been submitted by the learned counsel for the
petitioner that allegation is of taking away of mobile of the
informant which included a SIM card with a particular number,



there is delay in lodging of the FIR and he has already suffered by being in custody since 09.03.2023 (as stated in paragraph-10 of the petition) and further do not have criminal antecedent.

Learned APP opposes the prayer for bail of the petitioner.

Taking into account the submissions put forward by the learned counsel for the petitioner as also the period of custody and further he do not have criminal antecedent, this Court is inclined to extend him privilege of bail.

If, however, it is found that he do have criminal antecedent the bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Kishanpur P.S. Case No.52 of 2023 to the satisfaction of learned Chief Judicial Magistrate, Supaul, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail



bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /-

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