

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38333 of 2023

Arising Out of PS. Case No.-260 Year-2023 Thana- BETTIAH CITY District- West
Champaran

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PARWEJ ANSARI Son of Iqbal Ansari Resident of village - Pipra Kachahari
Tola, ward no. 05, P.S. - Jogapatti, Distt. - West Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate

For the Opposite Party/s : Mr.Shyam Bihari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 07-07-2023 Heard learned counsel for the petitioner and the

learned APP for the State.

The petitioner is in judicial custody in connection
with Bettiah Town P.S. Case No.260 of 2023 instituted under
Sections 413,414,420,467,468,471/34 of the IPC lodged on
13.04.2023 by the informant Naresh Kumar.

As per the FIR, the informant PSI Naresh Kumar,
submitted written report before the S. H. O. of Bettiah Town P.
S. alleging therein that on 13.04.2023 at about 8.30 a. m., he
received information to the effect that two motorcycle riders
snatching mobile of a passer-by but one of them has been
apprehended and was being assaulted by the crowd of people.
The police team immediately reached Muharram Chowk and
saw a person being assaulted while a Apache motorcycle was
found lying by the side of road.



The said person was taken into police custody, and on query, he disclosed his name as Sunil Kumar. In the presence of two witnesses, namely, Diwakar Kumar and Mithilesh Kumar, on search of the apprehended Sunil Kumar, two mobiles, others managed to escape. Mithilesh Kumar disclosed that Infinix mobile was snatched from his possession near Circuit House. The recovered mobiles and motorcycle were seized and seizure-list was prepared in accordance with law.

The apprehended accused was legally arrested. The apprehended accused Sunil Kumar further added that he along with Jagmohan Mukhiya snatched mobile of a person near Muharram Chowk, but since balance of motorcycle was out of control, he fell down. Sunil was got medically treated, and thereafter his confessional statement was recorded. He stated in his confessional statement that the mobiles snatched by him, Jagmohan Mukhiya and Ajay Mukhiya were sold to different people through Chandramani Kumar, Brajesh Kumar Gupta, Parwej Ansari, Tabrej Ansari, after getting locks of the mobiles broken by Sajid Ansari, proprietor, Lock India Mobiles Care, Dhangarpatti Chowk, Jogapatti.

At the instance of Sunil Kumar, raid was conducted at the house of Parwej Ansari, and three mobiles were recovered,



seized and seizure-list was prepared. Thereafter, at the instance of Sunil Kumar, raid was conducted at the house of Brijesh Kumar, but he was not present at his house, and then from the house of Chandramani Kumar, two mobiles were recovered, seized and seizure-list was prepared in accordance with law. On the basis of the above written report the present case was registered and investigation was taken up.

The contention of the learned counsel for the petitioner is that nothing has been recovered from his conscious possession and he unknowingly purchased old mobile from Sunil Kumar, having little knowledge that is stolen one, for which he has already suffered by being in custody since 14.04.2023 (as stated in para-11 of the petition)

Learned APP opposes the prayer for bail.

Considering the fact that he do not have criminal antecedent, has remained in custody since 14.04.2023, as stated above, this Court is inclined to grant him privilege of bail.

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 Bettiah Town P.S. Case No.260 of 2023 to the satisfaction of learned Chief Judicial Magistrate, West Champaran at Bettiah, 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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