

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40518 of 2023

Arising Out of PS. Case No.-343 Year-2023 Thana- KHAJANCHI HAT District- Purnia

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ASHUTOSH KUMAR MISHRA @ ASHUTOSH KUMAR SON OF
UMASHANKAR MISHRA RESIDENT OF VILLAGE -CHAMPAWATI,
WARD NO 12, PS -SARSI, DIST- PURNIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Jha, Advocate

Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Md. Matloob Rab, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 14-07-2023 Heard the parties.

The petitioner is in custody in connection with K. Hat
P.S. Case No. 343 of 2023 for the offence under Sections 411,
413, 414 and 401 of the Indian Penal Code lodged on
17.03.2023 by the informant, Subhash Kumar Mandal.

The prosecution case, in brief, is that on 17.03.2023,
the informant after getting information reached at Chunni Oraon
Chowk and saw that the accused persons were caught by local
people. While one of the accused person was trying to snatch a
mobile phone from the hand of a lady. Accused, Amit Kumar
Yadav in his confessional statement accepted his guilt and also
told the name of petitioner and his involvement in the alleged
crime. Witnesses in para 15 and 16 of the case diary have



supported the prosecution version. Accordingly, the F.I.R.

It has been submitted by the learned counsel for the petitioner that he do not have any role to play in the matter, his own mobile was taken by the Police and attributed him as a stolen mobile, for which he has already suffered by being in custody since 17.03.2023 (as stated in paragraph 4 of the petition) , is a young student of Intermediate and do not have any criminal antecedent.

Learned APP opposes the prayer stating that allegation against him is of trying to snatch mobile from the hand of the lady.

Taking into account the aforesaid submissions as also the period of custody i.e. 17.03.2023 , is a young boy of nineteen years and do not have any criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnia, in connection with K. Hat P.S. Case No. 343 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his/her 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 six months to mark his 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 his bail bonds.

With the aforesaid observations, the application is allowed.

(Rajiv Roy, J)

Jagdish/Kiran/-

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