

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40348 of 2022

Arising Out of PS. Case No.-71 Year-2022 Thana- KATIHAR NAGAR District- Katihar

SHANKAR SINGH Son of Brijnandan Singh Resident of village-
Hawaiadda, P.S.- Nagar Sahayak , District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Priya Ranjan, Advocate

For the Opposite Party/s : Mr.Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 10-01-2023 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection
with Nagar Sahayak PS case no. 71 of 2022 instituted for the
offences punishable under Sections 392 of the Indian Penal
Code.

The case of the prosecution in brief is that
while the informant was returning home on his motorcycle on
15.02.2022 from his mobile shop, along with several sets of
mobile phones, with his cousin brother Sudhanshu Kumar, on
the way, two miscreants had intercepted them and on pistol
point, had snatched the said mobile phones, whereafter they
had fled away. The informant is stated to have been identified



one of the miscreants namely Rahul Kumar who had disclosed the name of the petitioner to be one of his accomplice and thereafter, raid was conducted and search was made in the house of the petitioner, from where, 10 mobile phones were recovered.

The learned counsel for the petitioner submits that the petitioner is innocent, has been falsely implicated in the present case and he is languishing in custody since 18.02.2022. The learned counsel for the petitioner has further submitted that the petitioner is also an accused in two other cases but he is on bail in the said two cases. Lastly, it is submitted that the petitioner is ready and willing to abide by such conditions as may be deemed fit and appropriate to be imposed upon him for the purposes of grant of bail.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that 10 stolen mobile phones have been recovered from the house of the petitioner and the petitioner is an accused in two other cases,



though I am not inclined to grant bail to the petitioner, at the moment, however, I direct for release of the petitioner on bail immediately upon framing of charge by the learned trial court, subject to such conditions, as may be deemed fit and appropriate to be imposed by the learned court of Chief Judicial Magistrate, Katihar in connection with Nagar Sahayak PS case no. 71 of 2022.

The present petition stands disposed off with the aforesaid observations and directions.

(Mohit Kumar Shah, J)

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