

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48260 of 2023

Arising Out of PS. Case No.-23 Year-2023 Thana- KHAGARIA RAIL P.S. District- Khagaria

Manoj Kumar @ Manoj Yadav, Son of Late Rameshawar Yadav, Resident of
Village - Bakhri Bazar, P.S.- Bakhri, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shaishav Kumar, Adv.

For the Opposite Party/s : Ms. Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 03-08-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Khagaria (Rail) P.S. Case No. 23 of 2023 dated 17.02.2023
registered for the offences punishable under Section 394 of the
Indian Penal Code and Section 27 of the Arms Act.

3. The main submissions advanced by learned counsel
for the petitioner are that as per the FIR, the accused persons
who looted the informant's mobile phone are very young
persons and as per the assessment of the age of accused persons
made by the informant, their age is in between 20 and 22 years
while the petitioner is 55 years old person and in this regard, the
petitioner's son Akash Kumar Yadav aged about 27 years has
sworn his affidavit with this petition and the said fact is



sufficient to prove that the petitioner did not involve in the snatching of the mobile phone of the informant, in fact the petitioner run a tea shop and co-accused persons used to come at his shop and his mobile phone was old so he purchased a second hand mobile phone from one of the co-accused persons and at the time of purchasing, he had no knowledge of the said mobile phone being a looted one and he bonafidely purchased the same. Further submissions are that the petitioner has been languishing in jail since 12.03.2023 and against him the investigation has been completed and he has fair and clean antecedent.

4. Learned APP appearing for the State has opposed the bail prayer.

5. Considering the above submissions and mainly the fact that the petitioner is stated to be 55 years old person while as per the age assessment of the accused persons made by the informant in the FIR, the accused persons' age was assessed between 20 and 22 years who committed the alleged occurrence of loot and the said age difference goes in favour of the petitioner and against him, the investigation has been completed and he has fair and clean antecedent, in my opinion in the said circumstances the petitioner deserves to the privilege of bail. Accordingly, let the petitioner named-above be enlarged on bail



on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Khagaria (Rail) P.S. Case No. 23 of 2023.

(Shailendra Singh, J)

annu/-

U		T	
---	--	---	--

