

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60801 of 2022**

Arising Out of PS. Case No.-178 Year-2022 Thana- GAYA KOTWALI District- Gaya

SUMIT KUMAR Son of Late Raju Ram R/o Mohalla - Gewal Bigha, Dom
Toli, P.S.- Rampur, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sinha, Advocate

For the Opposite Party/s : Ms Asha Devi, APP

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

3 04-04-2023 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Kotwali Police Station Case No. 178 of 2022, registered
for the offences punishable under Section 392 of the Indian
Penal Code.

Prosecution story in brief is that unknown miscreants
snatched purse containing Rs. 20,000/- Aadhar Card, Pan card
and mobile set having Sim No.9123281594.

Learned counsel appearing on behalf of the petitioner
submits that petitioner is innocent and he is not named in the
FIR. The alleged mobile phone has been recovered from the
mother of the petitioner and not conscious possession of the
petitioner. The FIR contains the seizure list from which also it



appears that the same has not been prepared in presence of independent witnesses and it also goes to show that the mobile phone has been recovered from the mother of the petitioner, who is Sweeper in Gaya Municipality and has already been granted bail by the Court below. Allegation is against unknown persons. Petitioner has clean antecedent.

Learned APP appearing on behalf of the State vehemently opposes the prayer for bail.

Having considered the rival submissions of the parties and allegation made in the FIR which is against unknown and recovery having been made from the mother of the petitioner, namely, Munni Devi, who is working as Sweeper in Gaya Municipality and she has already been released on bail by the Court below, the petitioner has prima facie made out a case of pre-arrest bail.

Let the petitioner, named above, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya, in connection with Kotwali Police Station Case No. 178 of 2022, subject to the condition laid down under Section 438 (2) of the



Code of Criminal Procedure Code and with a further condition that if the statement made in paragraph No.3 of the present bail application with respect to the criminal antecedent of the petitioner is found to be incorrect, this order will automatically will loos its force.

(Purnendu Singh, J)

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