

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59892 of 2022

Arising Out of PS. Case No.-289 Year-2022 Thana- ROSERA District- Samastipur

ATISH KUMAR, Son of Suresh Prasad Singh, Resident of Village- Haspur,
P.S.- Nayagaon, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Bardhan Pandey, Advocate

For the Opposite Party/s : Mr.Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 19-01-2023 Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in connection with Rosera P.S.
Case No. 289 of 2022 registered for the offence punishable under
Sections 188 and 414 of the Indian Penal Code, Sections 45(12), 42
and 54 of the Prison Act, 1894 and Sections 871, 874 and 876 of the
Jail Manual.

The petitioner, a warden, is alleged to have been found
with two concealed mobile phones strapped by electric tape inside
the socks on his right leg while he was on Watch Tower No. 1 of the
Jail.

Learned counsel for the petitioner submits that the
petitioner's implication is on extraneous considerations arising out of
some service related dispute with others posted in the jail. The same
is obvious from the fact that the seizure memo is not in accordance
with law. Petitioner has clean antecedents and for alleged recovery of
two mobile phones from his possession he has now remained in



custody since 28.08.2022. It is also submitted that petitioner shall also be suffering consequences in the Department for the same lapse.

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

Considering the rival submissions, petitioner's clean antecedent and the nature of recovery, this Court is inclined to allow the petitioner's prayer for bail.

Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released 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 learned Additional Chief Judicial Magistrate, Rosera, in connection with Rosera P.S. Case No. 289 of 2022, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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