

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61849 of 2022

Arising Out of PS. Case No.-218 Year-2019 Thana- CHAUTHAM District- Khagaria

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MOHAN KUMAR, Son of Shyamdev Sharma, R/V- Ramdiri Ram Nagar,
Ward No. 09, P.S- Matihani, Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arjun Prasad, Adv
For the Opposite Party/s : Mr. Pranav Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 02-02-2023 Heard learned counsel for the petitioner and learned APP for
the State.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in connection with Chautam P.S. Case No. 218 of 2019, G.R. No. 2826C/19 registered under Sections 395 and 412 of the Indian Penal Code.

The informant has alleged that he was moving along with one Gulab Bhagat on their motorcycles, then they have been accosted by 10-12 unknown persons. They have looted their belongings including cash, mobile and motorcycles.

Learned counsel for the petitioner submits that the occurrence is of September, 2019. The petitioner, however, has been arrested on 28.06.2022, nearly three years thereafter, only because it has appeared in the investigation that petitioner had used the stolen



mobile phone. It is submitted that recovery of mobile phone is from co-accused Ram Lakhan Kumar. The petitioner's implication is fictitious and baseless only on the basis of suspicion. Petitioner has not been put on T.I. Parade. He has clean antecedent. Investigation is complete.

Learned APP has opposed the prayer for bail.

Considering the rival submissions, manner of petitioner's implication and custody as well as clean antecedent as also the fact that investigation is complete, 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 bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Khagaria, in Chautam P.S. Case No. 218 of 2019, G.R. No. 2826C/19, 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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