

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70019 of 2022

Arising Out of PS. Case No.-257 Year-2022 Thana- KATRA District- Muzaffarpur

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Anand Kumar, aged about 22 years, (Male) Son of Rajesh Mandal R/V-
Madarpur, P.S- Lahariyasarai, Dist- Darbhanga

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Naresh Chandra Verma, Advocate
For the State : Mr. Nagendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 04-03-2023 This matter has been taken up today for consideration
through video conferencing.

Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in connection with Katra P.S.
Case No. 257 of 2022 registered for the offence punishable
under Section 392, 411 of the Indian Penal Code (for brevity
'IPC') and Section 25(1-b)a, 26, 35 of the Arms Act.

While the informant was returning home by scooty after
closing his shop, it is alleged that three (3) persons have
accosted him on the way. At pistol point, they have looted him
of Rs. 30,000/- (thirty thousand), his Samsung cell phone and
also snatched his scooty. Two (2) of the miscreants fled on their
motorcycle, while third one (petitioner) was driving the
informant's scooty, and has been apprehended.

Learned counsel for the petitioner submits that being a
businessman, having some dealings with the informant,



petitioner has been made accused based on extraneous considerations. Recovery of the scooty is denied and disputed. It is submitted that the informant in connivance with the police has planted the loaded country made pistol. The mobile phone recovered from the petitioner is his own mobile phone and he was in *bona fide* possession of the same. Having no criminal antecedents, he is in custody since 15.07.2022.

Learned APP for the State has opposed the prayer for bail. It is submitted that petitioner has been apprehended by the villagers by a distance from the place of occurrence, while he was fleeing away.

Considering the rival submissions, the nature of accusations, clean antecedents and his custody since 15.07.2022., this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. 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 J.M. 1st Class, Muzaffarpur (East), in connection with Katra P.S. Case No. 257 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.

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

(Madhuresh Prasad, J)

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