

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69897 of 2023

Arising Out of PS. Case No.-101 Year-2023 Thana- KUDRA District- Kaimur (Bhabua)

Arun Kumar Ram, Son of Tapeswar Ram, R/o village - Ghataon, P.S.-
Kudra, District - Kaimur at Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Kudra P.S. Case No. 101 of 2023, registered for the alleged offences under Sections 395 and 412 of the Indian Penal Code.

3. As per prosecution case, the informant, a truck driver, was robbed of his mobile phone and Rs.52,000/- by four miscreants. The name of the petitioner transpired as one of the accused persons during investigation.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The name of the petitioner came up in this case on the basis of confessional statement of co-accused Mohit Kumar,



who disclosed the names of several persons including this petitioner. Allegedly, recovery of a mobile phone was made from the house of the petitioner at the instance of the co-accused Mohit Kumar, who stated that he had given mobile phone to the petitioner for selling it. Otherwise there is nothing to show against the petitioner in the alleged occurrence. Moreover, only four miscreants are said to be involved in the occurrence, whereas a large number of persons have been dragged in this case on the basis of confessional statement of co-accused. The learned counsel further submits that a large number of co-accused persons have been granted bail by a Coordinate Bench of this Court vide orders dated 21.07.2023, 21.07.2023, 14.07.2023 and 05.10.2023 passed in Cr. Misc. Nos.44260 of 2023, 43686 of 2023, 41198 of 2023, 62473 of 2023, respectively. The learned counsel further submits that neither the petitioner nor the mobile phone was put to Test Identification Parade. The petitioner is in custody since 24.03.2023 and the charge sheet has been submitted in this case. The petitioner is having clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and



submissions made here-in-above and considering the period of custody of the petitioner along with submission of charge sheet as well as his clean antecedent, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1, Mohania, Kaimur at Bhabua, in connection with Kudra P.S. Case No. 101 of 2023, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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