

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75268 of 2022

Arising Out of PS. Case No.-713 Year-2021 Thana- SUPAUL District- Supaul

Md. Ishak, Son of Md. Kabatullah, R/v- Ramghat Ward No. 43, P.S.- Muffasil
(Ranipatra), District- Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Jha, Advocate
For the Opposite Party/s	:	Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 26-04-2023 Heard learned counsel for the petitioner and
learned APP for the State.

2. In the present case, the petitioner seeks bail in connection with Supaul P.S. Case No. 713 of 2021 registered for the alleged offences under Section 394 of the Indian Penal Code.

3. As per prosecution case, some unknown miscreants looted a number of mobile phones and cash of Rs. 3,02,097/- and Rs. 8,91,171/- from a local office of e-commerce company (Flipkart). The name of the petitioner surfaced during investigation as one of the accused persons.

4. The learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case as he purchased a mobile phone from the Munsif of the



construction project where the petitioner has been working as a labourer. In course of investigation it came to notice that the said mobile was looted. The petitioner is not named in the FIR and he was not put to any Test Identification Parade. Other similarly situated co-accused persons, namely, Vikash Thakur @ Vikash Kumar from whose possession looted mobile phone was also recovered, has been granted bail by a Co-ordinate Bench of this Court vide order dated 19.05.2022 passed in Cr. Misc. No. 1911 of 2022. Other co-accused, namely, Sintu Kumar and Ajay Singh have been granted bail by different Co-ordinate Benches of this Court vide order dated 09.06.2022 passed in Cr. Misc. No. 5979 of 2022 and order dated 12.10.2022 passed in Cr. Misc. No. 43051 of 2021, respectively. The petitioner is in custody since 04.08.2022 and charge-sheet has been submitted. Petitioner is having clean antecedent.

5. Learned APP opposes the prayer for bail submitting that the looted mobile phone was recovered from the possession of this petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the grant of bail to other co-accused persons and also considering the clean antecedent of the petitioner along with his period of



custody and submission of charge-sheet against him, 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 Chief Judicial Magistrate, Supaul in connection with Supaul P.S. Case No. 713 of 2021, subject to the condition mentioned in Section 437(3) of the Cr.P.C. and other 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)

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