

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1753 of 2023

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

Hannu Kumar @ Ram Chandra Kumar, Son of Ganesh Yadav, Resident of
village- Singawan, P.S.- Gamharia, District- Madhepura.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Amrit Abhijat, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-04-2023 Heard Mr. Amrit Abhijat, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Supaul P.S. Case No. 713 of 2021 registered for
the offences punishable under Section 394 of the Indian Penal
Code.

It is alleged that on 03.10.2021, while the informant
was about to close the shop, in the meantime, three persons
entered in the shop and on the point of pistol they looted 29
pieces of mobile phones and cash amounting to Rs.11,93,268/-.

It is submitted on behalf of the petitioner that the
F.I.R. has been instituted against unknown miscreants, however,
during the course of investigation, the name of the petitioner
transpired, as he was found using the stolen mobile phone. He
further submits that in fact the mobile, in question, was



purchased from another person by paying Rs.5,000/- and save and except the mobile, no incriminating material has been recovered from the person or possession of the petitioner, apart from the fact that neither the petitioner nor the mobile phone has been put on TIP and now the petitioner is in custody since 05.08.2022.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that despite the present case, the petitioner is named in other two criminal cases and moreover from the F.I.R. it is evident that all the accused persons were covered their faces by mask, hence putting the petitioner on TIP would not be fruitful.

Regard being had to the submissions made on behalf of the parties and considering the fact that save and except one mobile, no other incriminating material has been recovered from the person or possession of the petitioner, coupled with the period of custody and the fact that the investigation of the crime is complete, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten 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 that



one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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