

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8804 of 2024

Arising Out of PS. Case No.-120 Year-2023 Thana- ARA RAIL P.S. District- Bhojpur

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Dhiraj Kumar S/O Ram Babu Ram Village- Narbirpur, Ps. Chandi, Dist. Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 2 20-02-2024 1. Heard learned counsel appearing on behalf of the petitioner and learned Additional Public Prosecutor appearing on behalf of the State.
2. The accused/petitioner is not named in F.I.R. and apprehending his arrest in connection with Rail Police Station Ara Case No. 120/2023 registered for the offences punishable under Section 379 of the Indian Penal Code.
3. The allegation against this petitioner is to use stolen mobile of informant.
4. Learned counsel appearing on behalf of the petitioner submitted that impugned order speaks itself that the mobile in issue was recovered from the house of co-accused Manish Kumar, who stated during the investigation to purchase the same against cash of Rs. 3,000/- from an unknown person. It



is further submitted that Paragraph-110 of the case diary shows that nothing incriminating was recovered from the house of accused/petitioner. It is submitted that notice under Section 41-A of the Code of Criminal Procedure was never received by petitioner, where he now undertakes to join investigation as and when directed by investigating authority. While concluding the argument, it is submitted that petitioner is a man of clean antecedent.

5. Learned APP opposes the prayer of bail.

6. Considering the aforesaid facts and circumstances as stolen mobile not appears to be recovered from the possession of this petitioner, coupled with the fact that petitioner is a man of clean antecedent, accordingly, the above named petitioner, in the event of his arrest or surrender before learned trial court within a period of four weeks, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Railway Magistrate, Bhojpur at Ara/concerned Court, where the case is pending in connection with Rail Police Station Ara Case No. 120 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C., with further condition as follows:

“(i) That accused/petitioner shall



cooperate in investigation/trial and shall be physically present on each and every date before the learned trial Court till conclusion of the trial and exemption from physical appearance be allowed by the trial Court, only on medical ground of the petitioner, duly supported by the documents.”

(Chandra Shekhar Jha, J)

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