

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40829 of 2024

Arising Out of PS. Case No.-898 Year-2023 Thana- ARA NAWADA District- Bhojpur

Abhishek Kumar @ Abhishekh Kumar son of Saral Kumar Resident of
village- Anua Pakari Ara Ps- Sahar Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rama Kant Singh, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 11-06-2024 Heard learned counsel appearing on behalf of

the petitioner and learned APP appearing on behalf of

the State.

2. The petitioner seeks bail in connection with

Ara Nawada P.S. Case No. 898 of 2023 registered for

the offences under Sections 461 and 379 of the Indian

Penal Code.

3. The petitioner is not named in the F.I.R. and

is in custody since 22.12.2023.

4. The allegation against the petitioner is to

commit theft in the mobile shop of informant and while

committing so taken away six mobile phones of different



companies.

5. Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner surfaced in the present case on the basis of confessional statement of co-accused Mantu Kumar Gupta. It is further pointed out that during the course of investigation alleged stolen mobile phones were recovered from the petitioner, which he purchased from the co-accused Vikash Kumar. It is further pointed out that nothing surfaced during the course of investigation, which may suggest petitioner was under knowledge that mobile phone in issue was stolen from the said shop. While concluding the argument it is submitted that petitioner found involved in one more criminal case of similar nature, where he is on bail and moreover investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the



State, opposes the prayer for bail.

7. In view of the facts and circumstances as mentioned above and by taking note of nature of accusations, coupled with the fact as petitioner is in custody since 22.12.2023, where charge-sheet has already submitted, accordingly, petitioner, above named, is directed to be released on bail in connection with Ara Nawada P.S. Case No. 898 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur, Ara/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C. with further conditions:-

(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall



cooperate in the trial and shall be physically present on each and every date before the 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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