

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49264 of 2024

Arising Out of PS. Case No.-1527 Year-2023 Thana- AHIYAPUR District- Muzaffarpur

Raushan Kumar, Son of Krishnandan Sah, Resident of Village- Muradpur
Dulla Chakgaji, P.S.- Ahiyapur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Bipin Chandra, Advocate

For the Opposite Party/s : Mrs. Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 21-09-2024 Heard Dr. Bipin Chandra, learned Advocate for the
petitioner and learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Ahiyapur P.S. Case No. 1527 of 2023
registered for the offences punishable under Sections 392, 411,
414 of the Indian Penal Code.

3. While the informant was returning to his house, on
his motorcycle. In the meantime, two miscreants riding on a
motorcycle intercepted him and on the point of pistol looted his
mobile and cash of Rs.7,000/- along with ATM card and driving
license.

4. Learned Advocate for the petitioner contended that
the F.I.R. has been instituted against unknown miscreants,
however, during the course of investigation, the police on the
basis of Call Detail Report (CDR) apprehended the petitioner



and alleged that looted mobile has been recovered from his possession, apart from two Laptops. So far the Laptops are concerned that is not the subject matter of the crime. So far the looted mobile is concerned, it is contended that the same was one of the villager and there is complete denial of recovery of the mobile. The petitioner bears fair antecedent and now he has been incarcerated since 07.01.2024. The investigation of the crime is complete and charge-sheet has been submitted.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the looted mobile has been recovered from the house of the petitioner.

7. Regard being had to the submissions made on behalf of the parties and considering the fact the crime, in question, is triable by the Magistrate and now the petitioner has been incarcerated for over a period of nine months; the investigation of the crime is complete and the charge-sheet has been submitted, coupled with the fair antecedent, 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 Judicial Magistrate, 1st Class (East) Muzaffarpur in connection with



Ahiyapur P.S. Case No. 1527 of 2023, 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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