

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49986 of 2024

Arising Out of PS. Case No.-603 Year-2023 Thana- SULTANGANJ District- Patna

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Anup Kumar @ Anuj Kumar @ Anup Son of Surendra Paswan R/O Vill.-
North Dhamaun, P.S.- Patori, Dist.- Samastipur, At Present- Mohalla- Chai
Tola, P.S.- Sultanganj, Dist.- Patna

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 21-09-2024 Heard the learned Advocate for the petitioner and the

learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Sultanganj P.S. Case No. 603 of 2023,
registered for the offence punishable under Sections 379 and
420 of the Indian Penal Code.

3. Allegedly, after the theft of the mobile of the
informant, through which the phone pay, google pay and paytm
was running, the miscreants transferred Rs. 1,03,380/- in their
own account.

4. Learned Advocate for the petitioner contended that
without the secret pin number, the transfer or withdrawal of the
money from the account of the user to other account is not
possible. Moreover, earlier the informant took some money



from the petitioner in cash and it was that money, which was returned to the petitioner. However, on account of some dispute, later on the name of the petitioner has been implicated in this case by making such allegation. It is further contended that there are other infirmities in the search and seizure, which also falsifies the prosecution case of recovery of the mobile from the possession of the petitioner. It is lastly contended that, be that as it may, the petitioner has absolutely fair antecedent and he has been incarcerated since 21.01.2024 and now the investigation 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 apart from the recovery of the mobile from his possession, the money has been transferred in his account, which suggest the petitioner has played active role in the crime.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged crime, in question, is triable by the Magistrate and now the petitioner has been incarcerated for over a period of nine months, 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 Sub Divisional Judicial Magistrate, Patna City, Patna in



connection with Sultanganj P.S. Case No. 603 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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