

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69815 of 2024

Arising Out of PS. Case No.-58 Year-2024 Thana- GAYA GRP CASE District- Gaya

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Anand Kumar, S/o- Ramjee @ Ramji Chaudhary, Village Gol Bagicha Near
Adda, PS- Kotwali, Dist-Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 03-10-2024 Heard learned Advocate appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The application for grant of bail to the petitioner
who is in custody in connection with Rly. Patna Gaya Jn. P.S.
Case No. 58 of 2024 registered for the offence punishable under
Section 379 of the Indian Penal Code.

3. Based upon the written report the prosecution
alleges that while the informant was traveling from Saptkranti
train, in the meantime, a lonely purse has been taken away by
unknown thief in which his two mobile phones, ear rings, cash
and other valuables were kept.

4. Learned Advocate appearing on behalf of the
petitioner contended that the FIR has been instituted against



unknown thief however, during the course of investigation one Deepak Kumar was arrested by the police and from his possession the stolen mobile was recovered. The apprehended Deepak Kumar disclosed that the mobile in question was purchased by him from this petitioner. Save and except the confessional statement of co-accused Deepak Kumar, there is no material suggesting the complicity of the petitioner in the crime. Neither the petitioner, nor the mobile phone was put to Test Identification Parade. Moreover, there is no recovery of any incriminating materials from the conscious possession of the petitioner. It is lastly contended that after having been arrested in the present case, the petitioner has been remanded in another case of identical nature, the particulars of which has been mentioned in paragraph no. 13.

5. On the other hand, learned Additional Public Prosecutor for the State vehemently opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the crime in question is triable by the Magistrate and now the petitioner has been incarcerated since 09.07.2024 and prior to the institution of the present crime the petitioner has absolutely 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 Additional Chief Judicial Magistrate, Rly. Gaya in connection with RLY Patna Gaya Jn. P.S. Case No. 58 of 2024, 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.

(Harish Kumar, J)

supratim/-

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