

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84861 of 2024

Arising Out of PS. Case No.-366 Year-2024 Thana- BAHADURPUR District- Darbhanga

Monu Kumar @ Kanha S/O Ganesh Yadav Resident of Village- Belayakub
Kabirchak, Police Station- Bahadurpur, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate
For the Opposite Party/s : Mr. Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 11-12-2024 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Bahadurpur P.S. Case No. 366 of 2024 registered for the alleged offences under Sections 331(4), 305, 317(2), 3(5) of Bharatiya Nyaya Sanhita, 2023.

03. As per prosecution case, a theft was committed in the house of the informant and the thief took away a mobile phone and cash of Rs. 35,000/-. Thereafter, the petitioner came to know about transfer of money from his account through UPI. The petitioner made further inquiry from the person who received the money, who disclosed the name of the petitioner who transferred the money from the account of petitioner and took cash in lieu of online transaction of money. The petitioner



was identified and thereafter he was apprehended along with the stolen mobile phone.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel further submits that transfer of money through UPI is not possible in absence of a PIN. It has nowhere been stated that the petitioner tried to flee away. The allegation of taking Rs. 35,000/- cash from the house of the informant is merely super-addition. The petitioner is in custody since 20.09.2024. The petitioner has got no criminal history.

05. Learned APP for the State opposes the prayer for bail.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the doubtful nature of allegation against the petitioner and further considering the period of custody of the petitioner and his clean antecedent along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Darbhanga in connection with Bahadurpur P.S. Case No. 366 of 2024, subject to the conditions mentioned



in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

Ashish/-

U		T	
---	--	---	--

