

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.1911 of 2024**

Arising Out of PS. Case No.-247 Year-2020 Thana- BAIRIYA District- West Champaran

Pintu Kumar S/O Late Mangal Sah, R/O Village- Narkatiyaganj Sofwa, Ward  
No. 04, P.S- Shikarpur, Distt.- West Champaran, Bettiah.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sarvesh Kashyap, Advocate  
For the Opposite Party/s : Mr. Anil Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      31-01-2024                      Heard Mr. Sarvesh Kashyap, the learned counsel for  
  
the petitioner and Mr. Anil Kumar, the learned Additional Public  
  
Prosecutor for the State.

2.                      The petitioner is apprehending his arrest in  
  
connection with Bairiya PS Case No. 247 of 2020, FIR dated  
  
27.05.2020, registered for the offence punishable under Section  
  
457/380 of the Indian Penal Code.

3.                      According to prosecution case, the mobile phones  
  
of the informant and one Faiyaz were stolen by some unknown  
  
persons. It is further alleged that from the house of one Azmat  
  
Ali, a trunk, Rs. 18,000/- (Rupees eighteen thousand only) and  
  
gold ornaments were also stolen and the trunk was later  
  
recovered near the house of one Ahmed Miyan.

4.                      Learned counsel for the petitioner submits that

petitioner has clean antecedent and he has falsely been implicated in the present case. Petitioner is not named in the FIR and the name of the petitioner was transpired during investigation. It has come during investigation that the petitioner was using the stolen mobile phone in question. Learned counsel for the petitioner further submits that in fact, the petitioner has purchased the mobile in question from the local villager and he was not aware that the same is a stolen article.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender within a period of four weeks, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with **Bairiya PS Case No. 247 of 2020**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:-

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the

Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(ii). If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that 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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(Rajesh Kumar Verma, J)**

Shahnawaz/-

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