

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26631 of 2020

Arising Out of PS. Case No.-11 Year-2020 Thana- JANDAHA District- Vaishali

ADARSH KUSHWAHA @ GUDDU @ GUDDU BIHARI Son of Sri Manoj
Kumar Singh Resident of Village - Mirzapur, Police Station - Mahua, District
- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Mouar

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 12-10-2020 This matter is taken up for consideration through

Video Conferencing under the orders of Hon'ble the Chief

Justice.

Heard both parties.

The petitioner seeks bail in Jandaha P.S. Case No. 11
of 2020, registered for the offence punishable under Section 392
of the Indian Penal Code.

As per prosecution case, on 21.01.2020 while the
informant was going on his Bolero vehicle to Patori region to
sell his medicine at about 12.55 am, near Hanuman Mandir,
three miscreants came on car and overtook his Bolero and on
the point of gun stopped his vehicle and snatched his mobile,
bag containing papers of medicine, money etc. and fled away



with his Bolero vehicle loaded with medicines.

It is submitted on behalf of the petitioner that petitioner has falsely been implicated in this case. Petitioner is not named in the FIR. During course of investigation, name of this petitioner has come in this case on the confessional statement of co-accused Binod Kumar Rai. No incriminating article or any looted article has been recovered from possession of this petitioner. Petitioner is in custody since 19.02.2020 having clean antecedent as mentioned in para 3 of the bail petition.

Learned APP however vehemently opposed the prayer for bail and submitted that on the disclosure of this petitioner, looted medicines were recovered from the conscious possession of co-accused.

Considering the facts and circumstances of the case, the petitioner above-named, is directed to be enlarged on 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 Sub-Divisional Judicial Magistrate, Hajipur, Vaishali in connection with Jandaha P.S. Case No. 11 of 2020, subject to following conditions:-

(i) The 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

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

(Prabhat Kumar Singh, J)

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