

**0IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28361 of 2020**

Arising Out of PS. Case No.-958 Year-2019 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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GUDDU DAS @ GUDDU KUMAR DAS S/o Gena Lal Das Resident of
Village-Kathal Bari, Barari, P.S.-Barari, District-Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Brij Nandad Prasad
For the Opposite Party/s : Mr.A.G.

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 10-11-2020 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 Kotwali P.S. Case No. 958

of 2019, registered for the offence punishable under Section 392

of the Indian Penal Code.

The informant is driver of the truck. It is alleged that

on 22.10.2019 at about 10.00 pm, the informant parked his truck

near toll barrier of NH-80 and slept inside the cabin of truck by

locking the door of cabin. At about 2-3 am, someone knocked

the door of truck and one person entered into the cabin after

breaking the glass and demanded money which was opposed by



him. Thereafter, two other persons also entered and assaulted him and snatched Rs. 2,000/- from the pocket of his shirt, Rs. 1000/- from the pocket of his paint and his mobile. Thereafter, all the accused persons fled away.

It is submitted on behalf of the petitioner that petitioner has falsely been implicated in this case. Petitioner is not named in the FIR. Name of this petitioner has come in this case on the basis of confessional statement of co-accused Vikram Kumar. No incriminating article has been recovered from possession of this petitioner. No test identification parade has been held till date. Petitioner is in custody since 24.10.2019.

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 Chief Judicial Magistrate, Bhagalpur in connection with Kotwali (Barari) P.S. Case No. 958 of 2019, 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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