

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.28733 of 2020**

Arising Out of PS. Case No.-76 Year-2019 Thana- LALGANJ District- Vaishali

GAURAV KUMAR Son of Raj Kumar Bhagat Resident of Village - Jalalpur,  
P.S.- Lalganj, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mrs. Bela Singh, Advocate.

For the Opposite Party/s : Md. Arif, APP

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

2      12-11-2020                      Heard learned counsel for the petitioner and learned  
APP for the State through virtual court proceedings.

Since the physical court proceeding is non-functional, due to present pandemic, COVID-19, the matter is listed with defects.

Learned counsel for the petitioner undertakes to remove the defects within three weeks of resumption of physical court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in a case registered for the offence punishable under Sections 392 and 412 of the Indian Penal Code.

The prosecution case, in brief, is that the while the



informant was going to Bettiah driving the delivery van on the way in the night at about 3:45 PM four miscreants on a Bolero vehicle overtook his pick up van and stopped him. The miscreants had broken the side wind shield and took the delivery van in their custody. The informant was tied by Gamachha and the miscreants took away the delivery van with loaded articles. They also assaulted him and snatched his mobile phone, original paper of the vehicle, driving licence, Aadhar Card and cash of Rs.1700/-.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He has been falsely implicated in this case. He is neither named in the F.I.R. nor was apprehended on the spot. No incriminating article has been recovered from his conscious physical possession. No test identification parade was conducted. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is nothing in the record indicating the complicity of the petitioner in the occurrence barring the confessional statement of co-accused Dhiraj Kumar @ Chhotu which has no evidentiary value in the eye of law. The said Dhiraj Kumar @ Chhotu has been enlarged on bail by a co-ordinate bench of this court vide order dated 02.07.2019 passed



in Cr. Misc. No. 40314 of 2019, while the other co-accused, namely, Jeetendra Kumar has also been enlarged on bail by a coordinate Bench of this Court vide order dated 27.05.2019 passed in Cr. Misc. No.33851 of 2019. The petitioner has been languishing in custody since 16.09.2019.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Lalganj P.S. Case No.76 of 2019, subject to the following conditions :

- (1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.
- (2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.
- (3) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court



concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

**(Anjani Kumar Sharan, J)**

Trivedi/-

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