

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30035 of 2020**

Arising Out of PS. Case No.-65 Year-2020 Thana- SHERGHATI District- Gaya

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Golu Kumar Son of Deonandan Prasad Gupta @ Denandan Prasad @
Devanand Prasad Gupta Resident of Village- Gopalpur, P.S.- Sherghati and
District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh

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

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

2 24-11-2020 Heard learned counsel for the petitioner as well as
learned A.P.P. for the State through video conferencing.

The petitioner seeks bail in Sherghati P.S. Case No.
65 of 2020, registered for the offence punishable under Sections
379, 401, 414, 411 and 34 of the Indian Penal Code.

As per the prosecution case, the informant, who is
SHO of Sherghati Police Station, with police party went to
arrest accused persons in connection with Sherghati P.S. Case
No. 07 of 2020 and consequently, Rohit Kumar @ Golu and
Golu Kumar (petitioner) were apprehended and from their
house, stolen TVS Apache motorcycle was recovered.
Thereafter, the house of co-accused Bitu Kumar and Bhola were
raided and from there, two Super Splendor motorcycles were



recovered. Consequently, the house of co-accused Jiddi Kumar was raided, from where, a Passion Pro motorcycle was recovered and from the house of the petitioner, two TVS Apache motorcycles were recovered.

It is submitted on behalf of petitioner that no stolen motorcycle has been recovered from the house of the petitioner. Stolen motorcycles were recovered from the possession of other co-accused persons. It is further submitted that petitioner happens to be co-villager of Rohit Kumar @ Golu and since he was present in the house of Golu @ Rohit Kumar, police has also implicated him falsely. It is further submitted that after remand in this case, petitioner has been made accused in one other case and he is in custody since 21-03-2020. It is further submitted that other co-accused, from whose possession stolen motorcycle was recovered, has already been granted bail by this Court, vide order dated 02-07-2020 passed in Cr.Misc. No. 20358 of 2020 (Annexure – 3 to the petition).

Considering the aforesaid facts & circumstances, the bail application of petitioner is allowed. Let the above-named petitioner 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 A.C.J.M., Sherghati, District -



Gaya in connection with Sherghati P.S. Case No. 65 of 2020, on
the following conditions:

“(1) Petitioner shall cooperate 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.

(2) 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.”.

(Prabhat Kumar Singh, J.)

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