

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.14627 of 2021**

Arising Out of PS. Case No.-122 Year-2018 Thana- GARKHA District- Saran

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JAWALA PRASAD @ JAWALA PRAKASH Son of Lal Babu Gupta
Resident of Mohalla - Arya Nagar, P.O. - Sahebganj, P.S.- Chhapra Moffasil,
District - Chhapra, Saran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Maheshwar Prasad, Advocate

For the Opposite Party/s : Mr. Ram Sevak Chaudhary, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 23-06-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Garkha P.S. Case No. 122 of 2018 registered

for the offences punishable under Section 392 of the Indian

Penal Code.

Learned counsel for the petitioner submits that as per

the prosecution story when the informant, after collection of

money, was going towards Baikunthpur two persons stopped

him on the point of gun and looted Rs. 93,752/-, tab, biometric,



purse, two mobile phone and key chain and fled away.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case on the confessional statement of the co-accused. It is further submitted that till date the petitioner has not been put on T.I.P. Learned counsel submits that the petitioner is in custody since 12.02.2020.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of the learned counsel for the petitioner that the petitioner has been brought in this case on remand from Fulwaria P.S. Case No. 229 of 2019 in which he has already been granted bail, the petitioner is in custody in connection with the present case since 12.02.2020, he has not been put on Test Identification Parade and that the petitioner being an unemployed youth and is running his dhaba and only because he failed to oblige the police party who wanted free of cost food and beverages, he has been falsely implicated in this case, considering that the petitioner is in custody for over one year four months and the investigation against him is complete but the trial is not likely to be concluded in near future, let the



petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate-14th, Chhapra, Saran in connection with Garkha P.S. Case No. 122 of 2018 subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

