

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20970 of 2021**

Arising Out of PS. Case No.-376 Year-2018 Thana- AURANGABAD TOWN District-
Aurangabad

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GUDDU MEHTA, Son of Ramkripal Mehta @ Kripal Mehta, Resident of
Village- Narhar Amba, P.S.- Amba, District- Aurangabad.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Rupa Kumari, Advocate

For the Opposite Party/s : Mr.Bal Mukund Prasad Sinha, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 28-10-2021 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 Mr. Bal
Mukund Prasad Sinha, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Town P.S. Case No. 376 of 2018 registered for

the offence punishable under Section 395 of the Indian Penal

Code. He is in custody since 17.12.2020. Petitioner has no

criminal antecedent.

As per the prosecution story, the five miscreants

entered in the jewelery shop with arms and ammunitions and

they looted away 1 Kg. gold ornaments worth rupees 30 lacs



and cash of Rs. 1,50,000/-. In course of occurrence the miscreants assaulted the informant by the butt of the pistol.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that no looted article or cash has been recovered from the possession of the petitioner. He has not been put on Test Identification Parade and other similarly situated co-accused persons have been granted privilege of bail by learned coordinate Benches of this Court.

Mr. Bal Mukund Prasad Sinha, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner. It is submitted that the petitioner was evading his arrested and surrendered at some belated stage.

Having regard to the facts and circumstances of the case wherein the petitioner is not named in the F.I.R., no looted article or cash has been recovered from the possession of the petitioner and he has not been put on Test Identification Parade as informed to this Court and further that the co-accused similarly situated have been granted bail by a learned coordinate Bench of this Court vide Annexure '2' and further in Cr. Misc. No. 21379 of 2019, Cr. Misc. No. 30859 of 2019, Cr. Misc. No. 27120 of 2019 and Cr. Misc. No. 25608 of 2019, so far as this



petitioner is concerned, he is said to be in custody since 17.12.2020, considering that the petitioner has surrendered at some belated stage, this Court directs that the petitioner above named shall be released on bail after **framing of charge in the present case** on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IX, Aurangabad in connection with Town P.S. Case No. 376 of 2018, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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.

(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'.

