

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26197 of 2020

Arising Out of PS. Case No.-275 Year-2018 Thana- BARAUNI District- Begusarai

PRINCE KUMAR @ GOLU Son of Sanjeet Singh Resident of Village -
Keshawe, P.S.- Barauni, District - Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Advocate

For the Opposite Party/s : Mr.Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 04-01-2021 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner in the present case is seeking regular bail in connection with Barauni P.S. Case No. 275 of 2018 registered for the offence punishable under Section 392 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the prosecution story three persons intercepted the informant while he was going on his motorcycle, they stopped him and forcibly took away his motorcycle. The informant claimed that those three persons were talking in local language.

It is submitted that the petitioner has been dragged in this case only on the basis of his own confessional statement but there is no recovery of the alleged motorcycle and nothing incriminating has been recovered from the possession of the petitioner. It is one of the submissions that the confessional statement of the petitioner alone is not admissible in this case. As regards criminal antecedent, learned



counsel submits that the petitioner has been granted bail in all those cases and at least in three cases which are mentioned in paragraph '3' the name of the petitioner has been brought after taking him on remand in those cases.

Learned counsel submits that this Court may also consider the fact that the petitioner is in custody in connection with this case since 26.06.2019 and the report received from the learned trial court shows that the case has yet not been committed and it is waiting for supply of police papers, hence there is no chance of conclusion of trial in near future.

Learned APP for the State has though opposed the prayer for regular bail of the petitioner, however, considering the facts and circumstances of the case particularly that except the confessional statement of the petitioner no other material has been brought to the notice of this Court in connection with this case and that in the cases in which the petitioner has been involved he has already been granted bail as informed to this Court, the petitioner has remained in custody for one and half year and the trial is not likely to be concluded in near future as also there is no submission on behalf of the State that his release at this stage is in any way likely to tamper with the evidence or interfere with the course of trial, let the petitioner above-named be released on bail 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 Chief Judicial Magistrate,



Begusarai in connection with Barauni P.S. Case No. 275 of 2018, subject to the conditions as laid down under Section 437(3) of the 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 he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

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.

And further condition that henceforth every month the petitioner shall present himself before the Officer Incharge of Barauni Police Station within whose jurisdiction he is residing, his attendance shall be marked and in case he is required to go outside the



jurisdiction of the local police station for permanent stay in connection with the employment, if any, he will provide his complete residential address of the said place with his mobile number to the Officer Incharge of the Police Station and as and when he visits his village he will put his attendance with the Officer Incharge of the Police Station and he will continue to do till conclusion of the trial.

Let it also be recorded that in case of failure of the petitioner to abide by this condition, the Officer Incharge of the Police Station shall report this to the learned court below in whose court the case will be pending and on such report the learned court shall take steps for cancellation of bail bond of the petitioner.

The petitioner shall cooperate in course of trial and shall appear as and when the date is fixed in the matter. Two consecutive defaults in putting appearance shall invite cancellation of bail bond.

The application stands disposed of accordingly.

Let this order be communicated through FAX to the Superintendent of Police, Begusarai for needful.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

U		T	
---	--	---	--

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'.

