

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3016 of 2021**

Arising Out of PS. Case No.-4 Year-2019 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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HARSH SINGH @ BABAN @ HARSH SINGH RATHOD Son of
Sateyanaran Singh R/O - Mohhala - Mandroja, P.S.- Tatarapur and District -
Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Pandey

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

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

2 15-03-2021 Heard both parties.

The petitioner seeks bail in Kotwali P.S. Case No. 04
of 2019, registered for the offence punishable under Section 394
of the Indian Penal Code and section 25 of the Arms Act.

As per the prosecution case, on the alleged date of
occurrence, three unknown persons on the pretext of giving
Prasad entered into the house of informant and on the point of
gun looted gold and diamond jewellery, cash and mobile.

It is submitted on behalf of the petitioner that
petitioner has falsely been implicated in this case. Name of this
petitioner has come in this case on the basis of CCTV footage.
No incriminating article has been recovered from possession of
this petitioner. Petitioner has not been put on test identification



parade till date. Similarly situated co-accused Mikku Sah has been granted bail by a coordinate Bench of this court vide order dated 15.07.2019 passed in Cr. Misc. No. 36143 of 2019. Though, petitioner is accused in seven criminal cases, but in all those cases he is on bail. Petitioner is in custody since 02.01.2019.

Considering the facts and circumstances of the case, and fact that similarly situated co-accused has been granted bail and no stolen article has been recovered from possession of this petitioner, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur in connection with Kotwali P.S. Case No. 04 of 2019, subject to following conditions:-

(i) The petitioner shall co-operate 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioner tampers with the evidence or the



witnesses of the case, in that case, prosecution will be at liberty
to move for cancellation of bail of the petitioner.

(Prabhat Kumar Singh, J)

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