

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.10883 of 2021**

Arising Out of PS. Case No.-291 Year-2020 Thana- RANIGANJ District- Araria

=====

GAMGAM JHA @ GAMGAM MISHRA @ GAMGAM KUMAR SON OF
RAVINDRA MISHRA Resident of Village - Parihari, P.S.- Raniganj, Dist.-
Araria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 14-06-2021 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 Raniganj P.S. Case No. 291 of 2020 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 collecting money

proceeded towards Raniganj four persons surrounded him and

threw chilly powder in his eyes and thereafter these persons



have looted a Realme mobile set, cash Rs. 1,30,545/-, Scanner, Samsung Tablet and a motorcycle and fled away. Some people assembled at the spot and the informant heard them taking name of this petitioner.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case on mere suspicion. It is further submitted that petitioner is neither named in the F.I.R. nor any incriminating material has been recovered from his conscious possession. Learned counsel submits that the petitioner has got no criminal antecedent and is in custody since 04.10.2020.

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 and the submission of learned counsel for the petitioner that in the First Information Report itself it is mentioned that some people who had assembled at the place of occurrence were talking among themselves the name of this petitioner and on that basis, the petitioner has been made accused in this case, further submission that in the F.I.R. the informant has never mentioned that his I.D. card has been snatched but later on the police has shown the recovery of the I.D. card of the informant from the



house of this petitioner which is nothing but a concocted story, prior to the present case the petitioner had no criminal antecedent and in connection with the present case he has remained in jail since 04.10.2020, 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 Additional Chief Judicial Magistrate-VI, Araria in connection with Raniganj P.S. Case No. 291 of 2020 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)

Rishi/-

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'.

