

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5514 of 2022

Arising Out of PS. Case No.-323 Year-2021 Thana- PATNA CITY CHOWK District- Patna

Gulshan Kumar, Son of Dilip Paswan, R/O Village- Bahatri Begampur, P.S.-
Bypass, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rudra Deo, Advocate

For the Opposite Party/s : Mrs. Renuka Ratnakar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-06-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Rudra Deo, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Chowk P.S. Case No. 323 of 2021 for the offences punishable under Sections 356 and 379 of the Indian Penal Code.

As per prosecution case, it is alleged that while the informant along with his other family members were waiting for Auto, in the meanwhile, Gulshan Kumar (petitioner) snatched gold locket worth Rs.15,000/- from the neck of the son of the informant and fled away.

It is submitted by the learned counsel appearing on



behalf of the petitioner that from bare perusal of the F.I.R., the story appears to be absurd, as the person, who is knowing the informant, there was no reason or occasion to snatch the chain in public. It is further submitted that during the course of investigation, it has only come that the petitioner was seen at the place of occurrence. It is also submitted that nothing has been recovered from the person or possession of this petitioner. Further, the petitioner is in custody since 02.09.2021, though the investigation of the crime is already completed and charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the occurrence has taken place at 12.30 PM on 31.08.2021, but the F.I.R. has been instituted on 01.09.2021 and nothing has been recovered from the person or possession of this petitioner and he is in custody since 02.09.2021, apart from the fact that investigation of the crime is already completed and charge-sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV,



Patna City in connection with Chowk P.S. Case No. 323 of 2021, subject to the condition that one of the bailors will be the local residents with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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