

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15201 of 2022

Arising Out of PS. Case No.-362 Year-2021 Thana- MADANPUR District- Aurangabad

GAURAV KUMAR S/o Santosh Kumar Sharma R/o village- Anandpur, P.S.-
Bihta, District- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravindra Kumar

For the Opposite Party/s : Mr.Umeshanand Pandit

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 14-07-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with

Madanpur P.S. Case No. 362 of 2021, registered for the

offences punishable under Sections 395 and 397 of the

I.P.C.

The prosecution story in brief is that the informant,

who is the owner of the truck, bearing Registration No.

NL01AD-1956, has alleged that the petitioner and his

associates had assaulted his driver and *khalasi* and also

looted his truck, in which *Sariya* (steel) was loaded.

The learned counsel for the petitioner submits that



the petitioner is innocent and has falsely been implicated in this case. The FIR has been lodged on account of dacoity. Three persons have been named in the F.I.R. He further submits that the petitioner is not named in the F.I.R. and his name has been emerged only on the confessional statement of one of the co-accused, namely, Sanjay Kumar. The police has arrested the petitioner during the course of investigation only on the basis of suspicion. No recovery has been made from the conscious possession of the petitioner.

The petitioner is in custody since 25.12.2021

It is also stated in paragraph no. 2 of the petition that he has never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated that the petitioner has been made accused in one more case, namely, Bihta P.S. Case No. 1124 of 2019.

However, the learned APP for the State has opposed the prayer for bail.

Considering the facts and circumstances, the petitioner, above-named, is directed to be released on bail



on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad in connection with Madanpur P.S. Case No. 362 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner 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.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting



satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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