

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19045 of 2022

Arising Out of PS. Case No.-59 Year-2020 Thana- MITHANPURA District- Muzaffarpur

PRASHANT GAURAV, SON OF SUJIT KUMAR @ SUJIT SINGH
RESIDENT OF VILLAGE- GOPALPUR RAJARAM, P.S.- SAKRA,
DISTT.- MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur

For the Opposite Party/s : Mr. Amit Kumar Rakesh

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

Mithanpura P.S. Case No. 59 of 2020, registered for the

offences punishable under Section 392 of the IPC and

Section 27 of the Arms Act which has been changed later on

as Sections 295 and 412 of the IPC and Section 27 of the

Arms Act.

As per allegation, when the informant and his staff

were going to deposit the cash of Rs. 5,01,000/- in SBI,

three persons came on motorcycle and snatched the cash

and mobile phone of the informant and on alarm, they also



opened fire.

The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that nothing has been recovered from the conscious possession of the petitioner. The petitioner is not named in the FIR. It has further been submitted that the name of petitioner has emerged from confessional statement of one co-accused, Sawan Kumar. He has further submitted that no TIP has been conducted as yet. He further submits that the co-accused Sawan Kumar has already been enlarged on bail by a Bench of this Court *vide* order dated 27.08.2021 passed in Cr. Misc. No. 18436 of 2021.

The petitioner is in custody since 25.08.2020.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated that the petitioner has mentioned about six following more cases in which, he has been made accused:-



- (i) Sakra P.S Case No. 76 of 2020
- (ii) Kudhani P.S Case No. 323 of 2020
- (iii) Sadar P.S Case No . 296 of 2020
- (iv) Bela P.S Case No. 03 of 2019
- (v) Bela P.S Case No. 45 of 2019
- (vi) Mithanpura P.S Case No. 263 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 A.C.J.M. 9th, Muzaffarpur (East) in connection with Mithanpura P.S. Case No. 59 of 2020 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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