

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27815 of 2022

Arising Out of PS. Case No.-199 Year-2019 Thana- KUMAR KHAND District- Madhepura

GAURAV KUMAR S/o - Vijay Sah Resident of Village - Gonha, P.S. -
Triveniganj, District - Supaul.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rama Kant Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-08-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for
the offence under Sections 392/34 of the Indian Penal Code.

As per the prosecution case, on 19.10.2019 while
the informant was returning to his house by an Auto
rickshaw, three unknown miscreants riding on a motorcycle
intercepted the Auto rickshaw and on the gun point they
looted away his bag containing cash of Rs. 48,000/-

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case. He further submits that the
petitioner has not been named in the F.I.R. but merely on the



basis of confessional statement of the co-accused, Nitesh Kumar Gulshan, he has been made accused in this case. He further submits that, in fact, nothing has been recovered from the conscious possession of the petitioner and save and except the statement of the co-accused, no cogent material has surfaced in this case against the petitioner during course of investigation. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. He further submits that similarly situated co-accused, namely, Md. Azim, has already been granted bail by a co-ordinate Bench of this Court vide order dated 29.04.2021 passed in Cr. Misc. No. 1062 of 2021. The petitioner is rotting in judicial custody since 19.02.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Kumarkhand P.S. Case No. 199 of 2019 with



the following conditions:-

(1) 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 on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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.

(Rajesh Kumar Verma, J)

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