

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38832 of 2021**

Arising Out of PS. Case No.-129 Year-2020 Thana- MOUZAHDIPUR District- Bhagalpur

GAURAV GOSWAMI @ BABA Son of Late Pappu Goswami Resident of
Village- Maheshpur, Madwa Sthan, P.S.- Babbarganj, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha, Advocate.

For the Opposite Party/s : Mrs. Rina Sinha, APP.

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

3 21-02-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner, who is in custody since 29.08.2020,
seeks regular bail in connection with Mojahidpur (Babarganj)
P.S. Case No. 129 of 2020 for the offence punishable under
Sections 392 and 411 of the Indian Penal Code.

The prosecution case, in brief, is that while the son of
the informant was on his way to deposit money in the Bank, two
accuse persons intercepted him and snatched the bag containing
money at gun point.



Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case due to dirty village politics. He further submits that he has been made accused in this case because prior to the present case he is named accused in several cases. The name of the petitioner has surfaced in this case on the basis of confessional statement of co-accused Sunny Kumar who has already been enlarged on bail by a co-ordinate Bench of this Court vide order dated 28.07.2021 passed in Cr. Misc. No. 5590 of 2021. Other accused persons namely Pinta Sah and Raja Sah have also been enlarged on bail vide orders dated 17.11.2021 and 15.12.2021 passed in Cr. Misc. No. 22451 of 2021 and 28280 of 2021 respectively.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the aforementioned facts and circumstances of the case, rival submissions of the parties as well as considering the fact that the name of the petitioner has surfaced in the confessional statement of co-accused who has already been enlarged on bail, I am of the opinion that the petitioner has prima facie made out a case to be released on bail.

The petitioner, above named, is directed to be



enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned ADJ-IX, Bhagalpur in connection with Mojahidpur (Babarganj) P.S. Case No. 129 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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