

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31486 of 2022

Arising Out of PS. Case No.-34 Year-2022 Thana- BEUR District- Patna

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GOLU KUMAR S/o Karu Rai R/o village- Atwarpur, P.S.- Parsa Bazar,
District- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manish Kumar No2

For the Opposite Party/s : Mr.Sharda Kumari

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 09-11-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with Beur
P.S. Case No. 34 of 2022 registered for the offences punishable
under Sections 411, 441 and 34 of the Indian Penal Code.

As per prosecution case, petitioner and other were
apprehended on motorcycle and failed to answer satisfactorily
regarding the possession of the said motorcycle. They have not
produce any valid paper about the said motorcycle.

Learned counsel for the petitioner submits that
petitioner is in custody since 17.01.2022. Petitioner bears no
criminal antecedent. Co-accused Rahul Kumar who was



apprehended on the said motorcycle has already been granted bail vide Cr. Misc. No. 28160 of 2022 and the case of the present petitioner stands on the similar footing. Petitioner is quite innocent and has been falsely implicated in this case by the police merely on suspicion. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner and on the ground of parity co-accused has already been granted bail on similar allegation, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate III, Patna in connection with Beur P.S. Case No. 34 of 2022, subject to following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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