

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31610 of 2022

Arising Out of PS. Case No.-7 Year-2022 Thana- GWALPARA District- Madhepura

Prawin Kumar Son of Arun Prasad Yadav Resident of Village - Tema- Bhela
Ward No. 2, P.S. Gawalpara, District - Madhepura.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinesh Prasad Verma, Advocate

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 30-08-2022 The learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Gawalpara P.S. Case No. 07 of 2022 registered for the offence under Section 394 of the Indian Penal Code.

The main allegation is that four accused persons riding on two motorcycles, firstly, hit their motorcycle against the informant's motorcycle and owing to that hit, the informant fell down and then the said accused persons assaulted him by butt portion of a country-made pistol and thereafter they looted Rs.15,122/- cash, tab of Samsung company and mobile phone of



Oppo company from the possession of the informant and thereafter they fled away.

The main submissions advanced by the learned counsel Mr. Dinesh Prasad Verma for the petitioner are that as per prosecution, the petitioner was arrested from his house and at the time of arrest one motorcycle and a mobile phone are stated to have been recovered from his possession but the said motorcycle is registered in the name of mother of this petitioner and any looted article has not been recovered from the possession of this petitioner and after his arrest he has not been put on Test Identification Parade and he has been made accused mainly on the basis of his mobile phone's network location which was found near the place of occurrence at the relevant time of alleged occurrence, but the said ground to make the petitioner accused in this case is completely not proper as the petitioner is resident of nearby village of the alleged occurrence. Further submission is that the petitioner has got no criminal antecedent and has been languishing in jail since 14th January, 2022.

Learned APP Mr. Uday Pratap Singh appearing for the State has opposed the bail prayer.

In view of above submissions and considering the



petitioner's clean antecedent and his custody period and mainly taking into account his defences that after his arrest he was not put on Test Identification Parade by the police and any of the looted articles has not been recovered from his possession, in the opinion of this Court, a lenient approach can be taken in respect of the petitioner's prayer, let the 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 the concerned Court in connection with Gawalpara P.S. Case No. 07 of 2022, on 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 below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

(3) One of the bailers shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(4) The Court below will verify the criminal



antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioner is found then the Court below shall take strict action against him for cancellation of his bail bond.

(Shailendra Singh, J.)

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