

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32691 of 2022

Arising Out of PS. Case No.-256 Year-2022 Thana- ALAMGANJ District- Patna

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Gaurav Kumar, aged about 19 years (Male), Son of Gopal Kumar Jaiswal @
Gopal Chaudhary, Resident of Gaighat Uttari Gali, P.S.- Alamganj and
District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Kumar Sharma, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 01-09-2022 Heard Mr. Rajendra Kumar Sharma, learned counsel

appearing on behalf of the petitioner and Mr. Khurshid Anwar,

learned A.P.P. for the State.

Petitioner, who is in custody since 21.03.2022, seeks
regular bail in connection with Alamganj P.S. Case No. 256 of
2022 registered for offences punishable under Sections 457, 380
and 411 of the Indian Penal Code.

Prosecution story in brief is that F.I.R. is against
unknown regarding the theft of certain articles, ornaments as
well as Rs. 2,50,000/- from the house of the informant. On
investigation, the stolen articles and money were recovered
from the house of the co-accused Akash Kumar.

Learned counsel appearing on behalf of the petitioner
submits that the petitioner is innocent and he has falsely been



implicated in the present case. Petitioner is not named in the F.I.R. He has no connection with the said co-accused Akash Kumar from whose house stolen articles and money were recovered. Petitioner has clean antecedent and he is a student aged about 19 years. It is further submitted on behalf of the petitioner that he undertakes that he will not indulge in such criminal activity in future and other conditions may be imposed by this Court taking into consideration the age of the petitioner.

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

In view of the specific statement made on behalf of the petitioner, the Court below is directed to take undertaking from the father of the petitioner and on release, the petitioner must also give his undertaking before the Court below that he will not indulge in such criminal activity in future.

Evidently, in this case, the alleged recovery has been made from the house of the co-accused Akash Kumar, petitioner has clean antecedent and has remained in custody since 21.03.2022 and the trial is not likely to be concluded in near future, the petitioner, above named, is directed to be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the



satisfaction of learned A.C.J.M. -Ist, Patna City in connection with Alamganj P.S. Case No. 256 of 2022 subject to the following conditions:

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

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

(iii) 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.

(iv) 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 bond.

(v) The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will loose its force automatically.

(Purnendu Singh, J)

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