

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48743 of 2021**

Arising Out of PS. Case No.-43 Year-2021 Thana- GAYA KOTWALI District- Gaya

GUNJESH KUMAR @ TIGER Son of Awdhesh Prasad Resident of Village -
Bajitpur, P.S.- Belaganj and District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No2, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, A.P.P.

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

2 18-04-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

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

Petitioner, who is in custody since 03.02.2021, seeks
regular bail in connection with Kotwali P.S. Case No. 43 of
2021 registered for offences punishable under Sections 420,
467, 468, 471 and 120(B)/34 of the Indian Penal Code.

Allegation made in the FIR is that petitioner along
with his associates used to steal idols from different temples. In
the present case, two mobile phones have been recovered from
the possession of the petitioner while he was indulge in dealing
with the sell of idol in a hotel.

Learned counsel appearing on behalf of the petitioner



submits that petitioner is in custody since 03.02.2021. Nothing has been recovered from his conscious possession and in this regard, he has made a specific statement in paragraph no. 8 of the present bail application that non of stolen idol out of total 63 antique idols has been recovered from the possession of the petitioner and as such no case under Sections 420, 467, 468, 471 and 120(B)/34 of the Indian Penal Code is made against the petitioner. Two mobile phones which have been recovered from the possession of the petitioner belong to him.

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

Considering the period of custody and nature of allegation made against the petitioner, nor any antique idol has been recovered from the possession of the petitioner, the Court below is directed to release the petitioner above named 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 Chief Judicial Magistrate, Gaya in connection with Kotwali P.S. Case No. 43 of 2021 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.

(Purnendu Singh, J)

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