

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41634 of 2022

Arising Out of PS. Case No.-48 Year-2022 Thana- DHANSOI District- Buxar

GORAKH RAM @ GORAKH KUMAR @ GORAKH KUMAR RAM S/o
Late Sudama Ram Resident of Village-Hakimpur, P.S.- Itarhi, District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar Gupta
For the Opposite Party/s : Mr.Nityanand

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 16-11-2022 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 Dhansoi
P.S. Case No. 48/2022 registered for the offences punishable
under Section 393 of the Indian Penal Code and Sections 25(1-
b)a, 26 of the Arms Act.

As per prosecution case, on 10.03.2022 the informant
reached at his jewellery shop at 2.00 A.M. at main market
Dhansoi in the morning he was checking his shop then he heard
some sound. Lalli Yadav arrived there then he opened the lock
of his shop, then three persons were who have covered their face
with the cloth, all of them have committed marpit with Lalli



Yadav and informant fled away due to fear. Many persons arrived there, Lalli Yadav got injury and all the items of the shop were scattered here and there.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The petitioner was remanded in this case from Dhansoi P.S. Case No. 61/2022 on 03.04.2022 since then he is rotting in jail. The petitioner bears criminal antecedent of 02 cases. The petitioner is not named in the FIR. The name of petitioner transpired in this case on the basis of confessional statement of co-accused, Gopal Kumar. He further submits that no T.I. Parade was conducted by the police against the petitioner. Except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence.

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, petitioner is not named in the FIR, 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 bonds of Rs.



10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Dhansoi P.S. Case No. 48/2022, 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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