

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52027 of 2021

Arising Out of PS. Case No.-207 Year-2020 Thana- SALIMPUR District- Patna

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Gulsan Kumar Son of Rajeev Ranjan Resident of Village - Shitalpatti, P.S.-
Saur Bazar, District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar
For the Opposite Party/s : Mr. Bharat Lal

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 31-03-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in a case registered for the offences punishable under Section 395 of the Indian Penal Code.

According to prosecution case, on the basis of fardbeyan of one Santosh Chouhan recorded on 31.07.2020 by the Bakhtiyarpur police station alleging therein that he was returning from Patna and when he had reached at Fatuha, then one white color Scorpio started following him and when he reached near Gandhi Hotel then the Scorpio over took his



vehicle and stop in front of him. Four persons come out of that Scorpio and two out of them approached to him from both the side of vehicle and asked that his vehicle not having Fast Tag and taken out the key of his vehicle and the other persons on the gun point took him out from the driving seat and made him lie down in between back seat and front seat and both them sat on the back seat and kept the feet and other person started driving vehicle and meanwhile taken out his mobile and sum of Rs.3950/-. It is further alleged that they had word with the owner of his vehicle after taken his mobile number from him and they were asking about the fitments of G.P.S. and after some time they stopped the vehicle and given him his mobile phone back with threatening for not going to police and thereafter, they have gone and taken his vehicle to the east.

Learned counsel for the petitioner submits that petitioner is innocent and petitioner is not named in the F.I.R. and he has falsely been implicated in the present case only on the basis of confessional statement of co-accused namely, Shiv Kumar, Nitish Kumar, Ram Krishna Kumar and Sunny Bharti who have been apprehended by the police in connection with Bakhtiyarpur P.S. Case No. 182 of 2020. He further submits that nothing has been recovered from conscious possession of the



petitioner and till date no TIP has been conducted by the prosecution. The petitioner is in custody since 06.04.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail on the ground that petitioner carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 learned Court below where the case is pending in connection with Salimpur P.S. Case No. 207 of 2020, G.R. No. 1170 of 2020, subject to 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 and shall remain physically present as directed by the court 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. And further condition that the court



below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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