

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43019 of 2022**

Arising Out of PS. Case No.-75 Year-2022 Thana- CHAKAI District- Jamui

=====

GULSHAN KUMAR @ AMEET KUMAR S/o Brahmdev Burnwal @
Brahmdev Modi R/o village- Jamuwa, P.S.- Devipur, District- Deoghar
(Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Pramod Kumar

For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

=====

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 20-10-2022 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 Chakai

P.S. Case No. 75 of 2022 registered for the offences punishable

under Sections 379, 461 of the Indian Penal Code.

As per prosecution case, informant is running

Grahak Sev Kendra of UCO Bank. On 1-04-2022 in the night

some unknown thief after breaking ventilator entered into

Grahak Seva Kendra and stolen Tab of Samsung Company and

Rs. 14,800/- cash.

Learned counsel for the petitioner submits that



petitioner is not named in the FIR, during course of investigation his name has been transpired upon the confessional statement of co-accused, Rajesh Besra. Except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of petitioner with the alleged occurrence. He further submits that stolen article has been recovered from the possession of co-accused, Rajesh Besra. Nothing has been recovered from the conscious possession of the petitioner. Petitioner is in custody since 12.06.2022 and bears no criminal antecedent. He further submits that petitioner is quite innocent and falsely implicated in the case.

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, keeping in view clean antecedent of petitioner, 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 bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Smt. Neha Tripathi, Learned Judicial Magistrate- 1st, Jamui in connection with Chakai P.S. Case No. 75 of 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)

vashudha/-

U		T	
---	--	---	--

