

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44857 of 2022

Arising Out of PS. Case No.-24 Year-2021 Thana- KARPI District- Jehanabad

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GOLDEN DUBEY @ AMIT KUMAR DUBEY SON OF SHIVMUNI
DUBEY R/O VILLAGE- KATHDIHARI, P.S.- SASARAM, DISTRICT-
ROHTAS (SASARAM)

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Choubey Jawahar

For the Opposite Party/s : Mr.Ganesh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 05-12-2022 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 Karpi
P.S. Case No. 24 of 2021 registered for the offences punishable
under Section 392 of the Indian Penal Code.

As per prosecution case, four persons put the
informant in fear and one of them sat on the driving seat and
they threw the informant out of the vehicle and fled away with
car in question.

Learned counsel for the petitioner submits that
petitioner is not named in the FIR. His name has been transpired
in the case upon the confessional statement of co-accused



Devendra Kumar. 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 petitioner is in custody since 25.04.2022 and bears criminal antecedent of three cases. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel for the petitioner further submits that nothing has been recovered from the conscious possession of the petitioner. No TIP has been conducted uptill now. He further submits that co-accused Devendra Kumar from whom recovery has been made as per seizure list has been granted bail vide Cr. Misc. No. 43994 of 2021 by the co-ordinate bench of this court and the case of present petitioner stands on better footing.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner keeping in view the criminal antecedent of the petitioner.

Considering the facts and circumstances of the case, period of custody, nothing has been recovered from possession of petitioner as submitted, co-accused has been granted bail by the co-ordinate bench of this court, charge sheet has been submitted in the case and there is no likelihood of



tampering with the prosecution evidence, 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 learned A.C.J.M. IV, Arwal in connection with Karpi P.S. Case No. 24 of 2021, 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/-

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