

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57327 of 2021

Arising Out of PS. Case No.-636 Year-2020 Thana- BARACHATTI District- Gaya

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Golu @ Gaurav Kumar Son of Deepak Sharma @ Dipak Sharma Resident of
Village - New Godam, Rama Press, Pahsi Lane, P.S.- Kotwali, Distt.- Gaya.
... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No2, Advocate
For the Opposite Party/s : Mr. Kumar Veerendra Narayan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 31-01-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in Virtual Court
proceeding.

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 connection with Barachatti P.S.
Case No. 636 of 2020 registered for the offences punishable
under Sections 392 of the Indian Penal Code.

According to prosecution case, as per the statement of
informant Lalesh Kumar that he was going to his house from
Somiya to Nahta and when he reached near Jaigiri More three
boys came there on Pulsar Motorcycle and overtook his
motorcycle and stopped him and started to assault him as a
result he fell down, thereafter they took away his motorcycle.



Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence and he has falsely been implicated in the present case. He further submits that petitioner is not named in the F.I.R. and nothing has been recovered from conscious possession of the petitioner and the name of the petitioner has been transpired on the basis of confessional statement of co-accused namely Akash Kumar. It is further submitted that till date no TIP was conducted by the prosecution. Similarly, co-accused, namely, Akash Kumar has been granted bail by a co-ordinate Bench of this court vide order dated 10.08.2021 passed in Cr. Misc. No. 28809 of 2021. The petitioner is in custody since 28.11.2020.

The learned Additional Public Prosecutor opposed the prayer for bail, submitting that petitioner carries one criminal antecedent.

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 Additional Chief Judicial Magistrate, Sherghati, Gaya in connection with Barachatti P.S. Case No. 636 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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