

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.48107 of 2022**

Arising Out of PS. Case No.-37 Year-2021 Thana- ARWAL District- Jehanabad

Golden Dubey @ Amit Kumar Dubey Son of Shivmuni Dubey Resident of
Village - Kathdihari, P.s.- Sasaram, Distt.- Rohtas (Sasaram).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Choubey Jawahar, Advocate

For the Opposite Party/s : Ms. Asha Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 09-12-2022 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within two weeks

from today.

Heard learned counsel for the petitioner and Ms. Asha
Kumari, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Arwal P.S. Case No.37/2021 registered for the

offences punishable under Section 392 of the Indian Penal

Code. He is in custody since 05.04.2022. The petitioner has got

three criminal antecedents.

Learned counsel for the petitioner submits that as per

the prosecution story, the informant who is driver-cum-owner of

the Swift Dzire car alleged that some unknown miscreants are

said to have hired his vehicle at Patna Junction, to proceed

towards Bikram and when the informant along with the



aforesaid miscreants reached near Chiraura, in the way, the said miscreants pointed pistol on the informant and snatched Rs.4500/-, his mobile set along with the car by dropping him on Arwal Canal Road at about 2.30 am.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Learned counsel submits that the petitioner is not named in the FIR and his name has transpired in the confessional statement of the co-accused Devendra Kumar who has already been granted bail by a learned coordinate Bench of this Court in Cr.Misc.No.26724 of 2022.

Learned counsel submits that there is no recovery from the petitioner and the petitioner has not been put on TIP. It is submitted that the petitioner is in custody in connection with this case since 05.04.2022.

Ms. Asha Kumari, learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case that the petitioner is not named in the FIR, his name has transpired in the confessional statement of the co-accused Devendra Kumar who has already been granted bail by a learned coordinate Bench of this Court in Cr.Misc.No.26724 of



2022, there is no recovery from the petitioner and the petitioner has not been put on TIP, he is in custody since 05.04.2022, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Arwal in connection with Arwal P.S. Case No.37/2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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 steps 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.

This application is allowed.

Certified copy of this order shall be made available only after removal of the defects.

(Rajeev Ranjan Prasad, J)

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