

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59195 of 2021

Arising Out of PS. Case No.-379 Year-2020 Thana- GHORASAHAN District- East
Champaran

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GOLU KUMAR @ GOLU KUMAR SINGH Son of Rama Singh Resident of
Vill- Harihara, P.S.- Shikarganj, District- East Champaran, Motihari

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Brajesh Kumar Singh
For the Opposite Party/s : Mr.Damodar Prasad Tiwary

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 24-08-2022 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

Ghorasahan P.S. Case No. 379 of 2020 registered for the

offences punishable under Section 392 of the Indian Penal

Code.

As per prosecution case, it is alleged that on

22.09.2020 the informant who happens to be Manager in Bharat

Finance Inclusion Ltd. Company returning to his branch after

making collection, in the meantime, three unknown miscreants

intercepted the informant and looted his vehicle, Tab,



Biometrics, mobile and cash of Rs. 1,12,268 on gun point.

Learned counsel for the petitioner submits that petitioner is not named in the FIR and during course of investigation name of petitioner has transpired in the statement of witnesses mentioned at para 18, 19 and 20 of the case diary. He further submits that petitioner is in custody since 30.01.2021 and bears criminal antecedent of nine cases and all the cases are more or less of similar nature. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that nothing has been recovered from possession of the petitioner. No TIP was conducted by the prosecution.

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, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, nature of allegation and also taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



learned Additional Chief Judicial Magistrate-03, Shikrahna, Dhaka in connection with Ghorasahan P.S. Case No. 379 of 2020, 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.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(v) Petitioner shall not leave the territorial jurisdiction of the concerned trial court without appropriate permission of the court concerned.

(vi) If the petitioner is found involved in similar



nature of offences in future, the learned trial court shall be at liberty to cancel his bail bond.

(vii) However, if petitioner violates any of the conditions, the court below is at liberty to cancel the bail bond of the petitioner.

(Alok Kumar Pandey, J)

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