

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56346 of 2022

Arising Out of PS. Case No.-6 Year-2022 Thana- BHAGWANPUR District- Vaishali

Prakash Kumar @ Golu Son of Sri Umesh Sahni R/V- Laxmi Narayanpur
Tola, Vilanpur, P.S- Lalganj, Distt- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Amresh Kumar Sinha, Adv. with Mr. Saroj Kumar Chaudhary, Adv.
For the Opposite Party/s	:	Mr. Ajay Kumar No.2, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 15-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Bhagwanpur P.S. Case No. 06 of 2022 lodged under Section 392
of the I.P.C.

As per the prosecution case, the informant stated that
on 07.01.2022, the informant was coming to Patna from
Muzaffarpur on his motorcycle Bajaj Pulsar. In the way, he
purchased sweet at Bhagwanpur and on the Bhagwanpur over-
bridge, 4 persons riding on 2 motorcycles chased him and looted
his motorcycle, purse having Rs. 5000/- therein, ATM, Aadhar

card, Debit card, voter ID, mobile of Apple company on pistol point and fled away towards Patna. On the basis of the statement of the informant, the present case has been lodged.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He submits that petitioner is not named in the F.I.R. rather on the basis of the confessional statement of the co-accused, Sunil Kumar, the name of the petitioner has figured in this case. Counsel for the petitioner submits that nothing incriminating has been recovered rather the looted mobile has been recovered from the house of the co-accused and not from the petitioner but he is alleged to use the said mobile time to time. Counsel submits that this statement is absolutely false and baseless.

Learned counsel for the petitioner also submits that petitioner is a student of intermediate reading in the local intermediate college at Vaishali. On the point of his criminal antecedent, counsel submits that there is one another case pending against the petitioner on which he is on bail. Petitioner was not put on T.I.P. He is in custody since 30.03.2022.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees

Thirty thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1, Vaishali at Hajipur in connection with Bhagwanpur P.S. Case No. 06 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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