

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55018 of 2022**

Arising Out of PS. Case No.-233 Year-2022 Thana- MIRGANJ District- Gopalganj

Prince Kumar @ Babu, S/o Dilip Prasad, Resident of Village- Pahari Line,
P.S.- Mirganj, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harendra Prasad, Advocate

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-12-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Harendra Prasad, learned counsel appearing on behalf of the petitioner and learned APP for the State through video conferencing.

The petitioner seeks regular bail, who is in custody in connection with Mirganj P.S. Case No. 233 of 2022 registered for the offences punishable under Sections 379, 411, 461 of the Indian Penal Code.

The prosecution case is based on a written report filed by the informant, alleging therein, that on 05.07.2022, he heard some noise and he found that some persons are carrying iron on Rickshaw Thela. Having seen the informant, the accused persons started fleeing away, however, the informant and others chased them and this petitioner was apprehended at spot, others



managed to flee away.

Learned counsel appearing on behalf of the petitioner submits that the petitioner was neither apprehended at spot nor any incriminating material has been recovered from his conscious possession, in fact there was some prior animosity between the informant and this petitioner and due to this, his name has been implicated in this case on suspicion. He next submits that all the offences are triable by Magistrate and, moreover, this petitioner is in custody since 08.07.2022, apart from the fact that the investigation of the crime is already complete and charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner was apprehended at spot and the petitioner is also found involve in a similar nature of crime.

Regard being had to the submissions made on behalf of the parties and considering the fact that the investigation of the crime is already complete and charge-sheet has been submitted and, moreover, the offences are triable by Magistrate, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned



Additional Chief Judicial Magistrate-XV, Gopalganj, in connection with Mirganj P.S. Case No. 233 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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