

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56072 of 2022

Arising Out of PS. Case No.-247 Year-2021 Thana- SIDHWALIYA District- Gopalganj

UJJAWAL KUMAR Son of Akhileshwar Rai Resident of Village - Sher,
Police Station - Sidhwalia, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghav Prasad

For the Opposite Party/s : Mr.Pranav Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 16-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State in virtual court proceeding.

The petitioner seeks bail in connection with
Sindhwalia P.S. Case No. 247 of 2021 registered for the
offences punishable under Section 392 of the Indian Penal Code
and charge sheet has been submitted under Section 395 of the
IPC.

As per prosecution case, four miscreants got the
tank of their vehicle full and also snatched Rs. 23,133/- from
the person who was on duty at petrol pump and later on during
the course of investigation the name of present petitioner has
been surfaced on the basis of spy.

Learned counsel for the petitioner submits that
petitioner is in custody since 18.09.2021 and bears criminal



antecedent of 10 cases in which nine cases FIR has been lodged against unknown and police has in a routine manner implicated the petitioner in one case after another case without having any material available against the petitioner. He further submits that petitioner has been remanded in the present case on 18.09.2021 from Barauli P.S. Case No. 249 of 2021. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that co-accused Pintu Pandey@ Pintu Kumar Pandey has already been granted bail vide Cr. Misc. No. 26259 of 2022 by the co-ordinate Bench of this Court and the case of present petitioner is identically same and petitioner deserves bail on the same ground.

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, co-accused has already been granted bail by co-ordinate Bench of this Court, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence 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 Judicial Magistrate, 1st Class, Gopalganj in connection with Sidhwalia P.S. Case No. 247 of 2021, 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) However, if petitioner violates any of the conditions, the concerned court is at liberty to cancel the bail bond of the petitioner.

(Alok Kumar Pandey, J)

vashudha/-

U		T	
---	--	---	--

