

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69735 of 2021**

Arising Out of PS. Case No.-310 Year-2021 Thana- MAHUA District- Vaishali

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GOLU KUMAR, Son of Dilip Patel @ Dilip Mahto Resident of Village -
Laxmi Narayanpur, P.S.- Tisiauta in the District of Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar, Advocate

For the Opposite Party/s : Mr.Md. Mushtaque Alam, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-04-2022 Heard counsel for the parties.

The petitioner is in judicial custody in connection with Mahua P.S. Case No. 310 of 2021 registered under Sections 399, 402, 413, 414 of the Indian Penal Code and Sections 25(1-b)a, 26/35 of the Arms Act.

As per the prosecution story, the police party upon confidential information proceeded and intercepted a four wheeler while some accused persons managed to escape but two persons were caught, the petitioner was one of them. Upon search, it is alleged that one mobile phone was recovered from his conscious possession. Further, accused Ramadhar Kumar disclosed the name of other accused who fled away from the place of occurrence as Md. Kadir.

Learned counsel for the petitioner submits that he has



been implicated in this case only on the basis of his criminal antecedent as it reflected from the seizure list itself that only one mobile phone is recovered from his possession. He further submits that he is in custody since 30.05.2021 (as stated in paragraph 31 of the bail application).

In view of the aforesaid facts and circumstances as also that the charge-sheet has already been submitted and he is in jail since 30.05.2021, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Mahua P.S. Case No. 310 of 2021.

However, since the petitioner has criminal antecedent; it is necessary to impose certain conditions on him which are as follows:

- (i) one of the bailor should be the family member of the petitioner and will produce official document to show his bonafide;
- (ii) he shall visit the local police station every fortnight for next six months and or the completion of the trial, whichever is earlier to mark his presence;
- (iii) he shall co-operate with the trial and shall ensure



his presence on each and every date and failure to do so for two consecutive dates without plausible reason; his bail bond shall be liable to be cancelled by the Trial Court itself;

(iv) in case the petitioner is involved in any criminal offence after his release on bail, the State shall be at liberty to initiate process for the cancellation of his bail.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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