

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70337 of 2021**

Arising Out of PS. Case No.-61 Year-2021 Thana- BAKHARI District- Begusarai

=====

GULSHAN KUMAR @ GOPICHAND Son of Pramod Rai Resident of
Village- Nishihara, P.S.- Bakhari, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Sabal Kumar Jha

For the Opposite Party/s : Mr.Umeshanand Pandit

=====

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 28-09-2022 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 Bakhri
P.S. Case No. 61 of 2021 registered for the offences punishable
under Section 392 of the Indian Penal Code later on charge
sheet submitted under Section 392, 397 of Indian Penal Code.

As per prosecution case, three miscreants overtook
the informant's truck and snatched away Rs.40,000/-, A.T.M.
Card and Adhar Card by pointing weapon.

Learned counsel for the petitioner submits that
petitioner is in custody since 04.09.2021. Petitioner bears
criminal history of one case. Charge sheet has been submitted in



the case and there is no likelihood of tampering with the prosecution evidence. He further submits petitioner is not named in FIR. During the course of investigation the name of petitioner has been surfaced upon the confessional statement of co-accused Keshav Eswar, as mentioned in Para 66 of Case Diary. No TIP has been conducted up till now and no incriminating article has been recovered from the possession of petitioner. Co-accused Keshav Eswar @ Aditya Raj who has disclosed the name of the present petitioner has already been granted bail vide Cr. Misc. No. 8023 of 2022 and the case of present petitioner stands on better footing in comparison to the co-accused as mentioned above.

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, petitioner is not named in FIR, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of learned court of Chief Judicial Magistrate, Begusarai in connection with Bakhri P.S. Case No. 61 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.

(Alok Kumar Pandey, J)

alok/-

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

