

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1403 of 2022

Arising Out of PS. Case No.-148 Year-2021 Thana- GURUA District- Gaya

Ashish Kumar Singh @ Bagga Sonof Doman Singh Resident of Village -
Novakhap, P.S.- Gurua, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Javed Jafar Khan
For the Opposite Party/s : Mr.Umeshanand Pandit

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-05-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in virtual Court
proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in a case registered for the
offences punishable under Section 392 of the Indian Penal Code
, later on charge sheet has been submitted under Section
392/411 of the Indian Penal Code.

According to prosecution case, informant Vikash
Kumar gave his fardbeyan before the police stating therein that
on 03.07.2021 he was coming to his house by his motorcycle at
village Sukul Khap, P.S. Gurua, District Gaya, he reached at
Belauti More, then three accused persons stopped his



motorcycle who were on blue colour motorcycle and one accused armed with pistol touched pistol to the informant and snatched Rs.12,000/-, mobile, watch and motorcycle of the informant and they were threatening to kill him, if he will not give the said articles.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that petitioner is not named in the F.I.R. and the name of the petitioner has been transpired only on the basis of the report of spy. He further submits that nothing has been recovered from the conscious possession of the petitioner only Rs.5000/- cash has been recovered from the possession of the petitioner, which is not the looted articles. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 05.07.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Court



below where the case is pending in connection with Gurua P.S.

Case No. 148 of 2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that 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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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