

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2105 of 2023

Arising Out of PS. Case No.-186 Year-2019 Thana- GOPALPUR District- Gopalganj

Bablu Kumar Prasad Son Of Prabhu Prasad R/O Village- Lakdi Madhopur,
P.S.- Basantpur (Lakdi Naviganj O.P.), District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-04-2023 Heard Mr. Ajay Kumar Pandey, learned counsel
appearing on behalf of the petitioner and the learned APP for the
State.

The petitioner seeks regular bail, who is in custody in connection with Sessions Trial No. 172 of 2022 arising out of Gopalpur P.S. Case No. 186 of 2019 registered for the offence punishable under Section 392 of the Indian Penal Code.

It is alleged that while the informant was returning from his *sasural*, in the meantime, three miscreants came on a motorcycle and looted the valuables and cash of Rs. 1,000/-

Submission has been made that the FIR has been instituted against unknown miscreants, however, during the course of investigation the petitioner was apprehended and, thereafter, his self-confession was recorded, on the basis of which he has been made accused in this case. It is further



submitted that save and except the confession of the petitioner and other co-accused persons, there is no material suggesting the complicity of the petitioner and neither he has been put on Test Identification Paraded nor any incriminating material has been recovered. Other co-accused person, having similar allegation, have been allowed bail by learned co-ordinate Bench of this Court in Cr. Misc. No. 28919 of 2020 and Cr. Misc. No. 1372 of 2022, the orders of which have been brought on record by way of Annexure – 2 series to this application. While concluding his submission, he lastly submits that in fact only on account of his long list of criminal antecedent his name has been implicated in this case. It is nothing but high handedness of the police.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner is carrying altogether thirteen criminal cases over his head and he is a habitual offender.

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner is in custody since 02.09.2020 and till date neither he has been put on Test Identification Parade nor any incriminating material has been recovered and other co-accused persons have been allowed



the privilege of bail. Furthermore, the criminal antecedent of the petitioner cannot be the sole ground to keep him behind the custody for an indefinite period, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge - X, Gopalganj in connection with Sessions Trial No. 172 of 2022 arising out of Gopalpur P.S. Case No. 186 of 2019, 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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