

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5341 of 2023

Arising Out of PS. Case No.-77 Year-2022 Thana- DELHA District- Gaya

JWALA RAVIDAS S/O DILIP KUMAR @ DILIP RAVIDAS Resident of
village- Vijay bigha, P.S.- Delha, District- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Md. Aslam Ansari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
17.05.2022 in connection with Delha P.S. Case No. 77 of 2022,
F.I.R. dated 15.03.2022 for the offences punishable under
Section 392 of the Indian Penal Code.

According to prosecution case, in brief, is that one
Saugamya Suman submitted his written report on 15.03.2022
alleging therein that on 15.03.2022 after performing his duty at
Dhanbad return to Gaya and was coming to his quarter situated
at Railway Colony, Kharkhura in the meantime on the way near
Devi Temple, Kharkhura four persons intercepted him and
snatched his mobile and purse containing his identity card,
A.T.M. Card and Driving License on the point of pistol and fled
away.



Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case merely on the basis of confessional statement of co-accused namely, Kanhaiya Paswan. He further submits that petitioner is not named in the F.I.R. and nothing has been recovered from the conscious possession of the petitioner and till date no TIP has been conducted by the prosecution. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 17.05.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries three criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances, petitioner is not named in the F.I.R. and the name of the petitioner has been transpired on the basis of confessional statement of co-accused namely, Kanhaiya Paswan, 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 Judicial Magistrate, 1st Class, Gaya in connection with Delha P.S. Case



No. 77 of 2022, 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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