

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2338 of 2023

Arising Out of PS. Case No.-12 Year-2022 Thana- PUPRI District- Sitamarhi

Md. Gulab Mansuri @ Gulab Mansuri S/O Late Sabir Mansuri Resident of
village- Koriya Pipra, P.S.- Parihar, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Sanjay Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 11-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
07.06.2022 in connection with Pupri P.S. Case No. 12 of 2022,
F.I.R. dated 16.01.2022 for the offences punishable under
Section 394 of the Indian Penal Code.

According to prosecution case, the allegation against
the petitioner is to commit robbery and while committing so
took away cash of Rs.1,00,000/- (Rupees One lakh) and gold
jewellery of value around Rs.6,00,000/- (Rupees six lacs)
belonging to informant.

Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that the petitioner is not named



in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of self confessional statement of the petitioner. He further submits that some articles has been recovered from the house of the petitioner and the same are house hold articles of the petitioner and the same is not put on TIP by the prosecution. He further submits that except the self confessional statement and previous criminal antecedents of the petitioner, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that similarly situated, co-accused, namely, Guddu Sah has been granted bail by a co-ordinate Bench of this Court vide order dated 07.02.2023 passed in Cr. Misc. No. 60867 of 2022 and another co-accused namely, Naseem Nadaf @ Wasim @ Basim Nadar @ Naseem @ Wasim Nadaf has been granted bail by a co-ordinate Bench of this Hon'ble Court vide order dated 23.02.2023 passed in Cr. Misc. No. 66859 of 2022. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 07.06.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries fifteen criminal antecedents



other than the present one but fairly submits that out of fifteen criminal antecedent petitioner is on bail in eleven cases.

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 Sub-Divisional and Judicial Magistrate, Pupri (Sitamarhi) in connection with Pupri P.S. Case No. 12 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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