

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2336 of 2023

Arising Out of PS. Case No.-193 Year-2020 Thana- Govindganj District- East Champaran

SANDIP GIRI Son of Jatashankar Giri Resident of Village - Paharpur Giri
Tola, P.S.- Paharpur, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prateek Tandon, Advocate
For the Opposite Party/s : Mr. Anil Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
15.10.2020 in connection with Govindganj (Malahi) P.S. Case
No. 193 of 2020, F.I.R. dated 08.06.2020 for the offences
punishable under Section 392 of the Indian Penal Code.

According to prosecution case, in brief, is that on
08.06.2020 the informant gave a written report and alleging
therein that he is Branch Manager of a Private Company and
when he was going to deposit Rs.2,61,735/-, he was intercepted
by three unknown miscreants on a motorcycle and they snatched
bag containing cash, mobile and debit card of the 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 petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of confessional statement of co-accused namely, Ritik Raj. He further submits that 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 similarly situated, co-accused, namely, Gulshan Kumar @ Gulshan Tiwari has been granted bail by a co-ordinate Bench of this Court vide order dated 28.02.2022 passed in Cr. Misc. No. 66448 of 2021. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 15.10.2020.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries four criminal antecedents other than the present one and petitioner is on bail in all the cases as mentioned in Para-3 of the bail petition.

Considering the aforesaid facts and circumstances as well as period of custody, 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 Additional Chief Judicial Magistrate
1st, Motihari, East Champaran in connection with Govindganj
(Malahi) P.S. Case No. 193 of 2020, 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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