

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9177 of 2023**

Arising Out of PS. Case No.-50 Year-2022 Thana- GOPALPUR District- Bhagalpur

SARWAN KUMAR @ SHARWAN KUMAR S/O DINESH MANDAL
Resident of village- Jhallu das tola, P.S.- Rangara, O.P.- District- Bhagalpur,

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Advocate
For the Opposite Party/s : Mr.Nityanand, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 24-06-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since 22.06.2022 in connection with Gopalpur P.S. Case No. 50 of 2022, F.I.R. dated 25.01.2022 registered for the offence punishable under Section 392 of IPC.

The prosecution case, in short, is that on 25.01.2022 the informant alleged that four persons who were on two motorcycles reached near the informant's bike and told him to stop the bike. Thereafter they snatched the bag from informant giving fear of firearm. Thereafter the accused snatched the goods which included undelivered mobile phone and other articles were kept alongwith cash of Rs.25,000/- to



30,000/-. It is further asserted that one of the miscreants namely, Santosh Kumar snatched the wallet of informant in which his Adhar Card, Pan Card, Driving Licence, Owner Book of the vehicle were kept. One Sudhanshu Mandal snatched mobile phone and motorcycle keys of the informant. On of the miscreants snatched Bluetooth. Informant has also revealed the names of three of the miscreants as Rohit Mandal, Santosh Kuamr and Sudhanshu Mandal.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. Petitioner is not named in the FIR. The name of the petitioner has surfaced during investigation on the basis of the confessional statement of the co-accused person, namely, Rohit Mandal and nothing has been recovered from conscious possession or the house of the petitioner and till date no TIP has been conducted by the prosecution and co-accused person, namely, Rohit Mandal has been granted bail by the learned court below itself vide order order dated 05.03.2022 passed in B.A.No.113 of 2022 and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 22.06.2022.

Learned APP for the State has opposed the prayer



for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, 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 learned A.C.J.M.-I, Naugachia, Bhagalpur in connection with Gopalpur P.S. Case No. 50 of 2022, with 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/her absence on two consecutive dates without sufficient reason, his/her 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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