

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10923 of 2023

Arising Out of PS. Case No.-173 Year-2021 Thana- SAKRA District- Muzaffarpur

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Gaurav Nikhil @ Gavra Nikhil, Son of Lalan Kumar Singh, R/v- Bela Gopi,
P.O.- Ibrahimpur, P.S.- Gaighat, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Sakra P.S. Case No. 173 of 2021, registered for the alleged offences under Section 392 of the Indian Penal Code.

3. As per prosecution case, two motorcycle born miscreants, on gunpoint, snatched Rs. 20,000/- and a Samsung smart phone from the informant. The name of the petitioner transpired during investigation as one of the miscreants.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case merely on suspicion. Nothing incriminating has been recovered from the person/possession of this petitioner or at his



instance and no Test Identification Parade has been carried out till date. This shows there is no material to implicate the petitioner in the present case. Charge sheet has been submitted in this case and the petitioner is in custody since 15.02.2022.

5. Learned A.P.P. opposes the prayer for bail submitting that the petitioner has got criminal antecedent and is accused in eight other cases.

6. At this stage, learned counsel for the petitioner submits that in most of the cases, the petitioner is not named in the FIR.

7. Having regard to the facts and circumstances and submissions made hereinabove and considering the fact that no recovery has been shown from this petitioner and further considering the submission of charge sheet and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-12, Muzaffarpur, in connection with Sakra P.S. Case No. 173 of 2021, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be a close relative of



the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

(Arun Kumar Jha, J)

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