

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20666 of 2023

Arising Out of PS. Case No.-620 Year-2020 Thana- SHERGHATI District- Gaya

Uttam Kumar @ Shekhar Sharma Son Of Krishan Sharma Resident Of
Village - Goitha, P.S. - Bankey Bazar, Distt. - Gaya (BIHAR)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailesh Kumar Singh, Advocate

For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-05-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
28.10.2022 in connection with Sherghati P.S. Case No.620 of
2020, F.I.R. dated 06.12.2020 registered for the offence
punishable under Section 395 of IPC.

Prosecution case is that three unknown miscreants
assaulted the informant and took away cash Rs.90,000/- and
mobile phone.

Learned counsel appearing for the petitioner submits
that the petitioner has falsely been implicated in the present
case. Further submits that the petitioner is not named in the FIR.
The name of the petitioner has been transpired on the basis of
the confessional statement of co-accused persons, namely,



Gautam Kumar. Further submits that 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 the co-accused persons, namely, Ranjit Kumar @ Chhotan and Sachu Kumar Yadav @ Chotu Yadav @ Sallu Yadav @ Chotu Kumar have been granted bail by different Coordinate Benches of this Hon'ble Court vide orders dated 21.07.2022 and 03.05.2023 passed in Cr. Misc. Nos.974 of 2022 and 8575 of 2023 respectively and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 28.10.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries two more cases other than the present one but fairly submits that out of two cases, the petitioner is on bail in one case and rest one case is pending for consideration, as mentioned in para-3 of the bail petition.

Considering the aforesaid fact, 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 Additional Chief Judicial Magistrate, Sherghati, Gaya in connection with Sherghati P.S.



Case No.620 of 2020,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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