

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21025 of 2023

Arising Out of PS. Case No.-356 Year-2022 Thana- NAUGACHIA District- Bhagalpur

SAURABH KUMAR SON OF RAJ KUMAR CHOUDHARY RESIDENT
OF VILLAGE - MOUZMABAD, P.S. - BIHPUR (BHAWANIPUR O.P.),
DISTT. - BHAGALPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Adv.

For the Opposite Party/s : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 06-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
19.11.2022 in connection with Naugachia P.S. Case
No.356/2022, F.I.R. dated 05.11.2022, for the offences
punishable under Sections 392 of the IPC but charge sheet has
been submitted under Section 394 and 411 of the IPC.

According to prosecution case, four unknown
miscreants forcibly taken away e-rickshaw of the informant
when he was returning to his home from Naugachia.

Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case. He
further submits that the petitioner is not named in the F.I.R. The



name of the petitioner has been transpired during investigation on the basis of confessional statement of the co-accused, namely, Gulshan Kumar Jha and except the confessional statement of the co-accused, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that co-accused, namely, Gulshan Kumar Jha has been granted bail by a co-ordinate Bench of this Court vide order dated 13.06.2023 passed in Cr. Misc. No.30498/2023 and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 19.11.2022.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries three criminal antecedent other than the present one.

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 Sri Tushar Singh, J.M. 1st Class, Naugachia, Bhagalpur, in connection with Naugachia P.S. Case No.356/2022, 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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