

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29438 of 2023

Arising Out of PS. Case No.-317 Year-2022 Thana- GARDANIBAG District- Patna

Rajesh Kumar son of Ganesh Goshwami Village- Jahidpur Ps- Punpun, Dist-
patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uma Shankar Sharma, Adv.

For the Opposite Party/s : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 08-06-2023 Let the defect(s), if any, be removed within two weeks
from today.

2. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

3. The petitioner seeks regular bail in connection with
Gardanibagh P.S. Case No. 317 of 2022 dated 03.06.2022,
lodged under Section 395 of the I.P.C.

4. As per the prosecution case, the F.I.R. has been
lodged against five unknown accused persons against whom the
allegation of dacoity are there.

5. Learned counsel for the petitioner submits that the
petitioner is not named in the F.I.R. and case has been filed
against five unknown accused persons. He further submits that
the name of the petitioner has figured in this case by virtue of

the confessional statement of the co-accused. He further submits that nothing incriminating has been recovered from the possession of the petitioner nor he was put on T.I.P. also. Counsel submits that there is one criminal case pending against the petitioner in which he is on bail. Counsel further submits that from the F.I.R., there is a seizure list in which recovery has been made from one accused Rahul Kumar. Counsel submits that three accused persons have been granted bail by the Co-ordinate Bench of this Court vide order dated 08.05.2023 passed in Cr. Misc. No. 56083 of 2022 with Cr. Misc. No. 4321 of 2023 with Cr. Misc. No. 6725 of 2023.

6. Learned counsel for the State opposes the prayer for bail.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, XIIIth-cum-A.C.J.M.-XIIIth, Patna in connection with Gardanibagh P.S. Case No. 317 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall

appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

8. With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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