

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31748 of 2023

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

Subodh Kumar S/o Umesh Sao @ Umesh Prasad Sah, R/o Mohalla-Kurthaul,
P S -Parsa Bazar, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Adv. Mr. Bhaskar Shankar, Adv.
For the Opposite Party/s :		Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-06-2023 Heard Mr. Krishna Prasad Singh, learned senior
counsel appearing on behalf of the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail, who is in custody
in connection with Gardanibagh P.S. Case No. 317 of 2022
registered for the offence punishable under Section 395 of the
Indian Penal Code.

Allegedly, five criminals riding on two motorcycles
came at the jewellery shop of the informant and, on the point of
pistol, looted bags of gold and silver. On alarm raised by the
informant and others, the accused persons fled away leaving the



motorcycle at the place of occurrence.

Learned senior counsel appearing on behalf of the petitioner submits that the FIR has been instituted against unknown persons. However, during the course of investigation, the name of the petitioner has surfaced on the confessional statement of co-accused and, thereafter, his own confession was recorded. He further submits that the petitioner was put on test identification parade but he has not been identified by the informant and, moreover, no stolen article was recovered from his conscious possession. Co-accused persons having identical allegations, whose names also transpired during the course of investigation on a confessional statement, have been allowed the privilege of bail by the different Benches of this Court vide orders dated 09.12.2022, 08.05.2023 and 08.06.2023, respectively, passed in Cr. Misc. Nos. 50678 of 2022, 56083 of 2022, 4321 of 2023, 6725 of 2023 and 29438 of 2023.

On the other hand, learned counsel for the State opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner has not been identified on T.I. parade nor any incriminating article has been recovered from his possession and other



co-accused persons having similar allegations to that of the petitioner, have been enlarged on bail, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M.1st Class, Patna in connection with Gardanibagh P.S. Case No. 317 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail



bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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