

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31766 of 2023

Arising Out of PS. Case No.-323 Year-2022 Thana- GARDANIBAG District- Patna

Subodh Kumar S/O Umesh Sao @ Umesh Prasad Sah R/O Mohalla-
Kurthaul, P.S- Parsa Bazar, Distt.- 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. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-06-2023 Heard Mr. Krishna Prasad Singh, learned senior
counsel for 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. 323 of 2022
registered for the offences punishable under Sections 399, 402
and 414 of the Indian Penal Code and Sections 25(1-b)a, 26 and
35 of the Arms Act.

The police on a secret information with regard to
assemblage of miscreants, conducted raid and apprehended
seven accused persons including the petitioner but one Kundan
Kumar, succeeded in fleeing away. On search, one knife and
Apache Motorcycle etc. were allegedly recovered from



possession of the petitioner.

Learned senior counsel appearing on behalf of the petitioner submits that, in fact, nothing has been recovered from the person or possession of the petitioner. However, in order to implicate his name, recovery of a knife and one mobile along with motorcycle have been shown though the petitioner has no concern with the motorcycle in question. He further submits that in both the seizure lists, the witnesses are police personnel, apart from the fact that another co-accused person having similar allegation has been allowed the privilege of bail by the learned Co-ordinate Bench of this Court. He next submits that the petitioner is in custody for over a period of one year and the charge-sheet has already been submitted.

On the other hand, learned counsel for the State opposes the bail application and submits that some incriminating materials have been recovered from the possession of the petitioner, which shows his complicity in the present crime.

Regard being had to the submissions made on behalf of the parties and considering the fact that co-accused person having similar allegation has been allowed the privilege of bail by the learned Co-ordinate Bench of this Court in



Cr. Misc. No. 69136 of 2022 vide order dated 17.03.2023 and the petitioner has no concern with the motorcycle in question and other incriminating materials, coupled with the period of custody, 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 A.C.J.M.-XIV, Patna in connection with Gardanibagh P.S. Case No. 323 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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