

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32336 of 2023

Arising Out of PS. Case No.-376 Year-2020 Thana- BARH District- Patna

SUJEET GWALA @ SURJEET KUMAR SON OF LATE RAM CHANDRA
GWALA RESIDENT OF VILLAGE- NAYA TOLA JURABGANJ, PS
KORHA, DISTRICT- KATIHAR.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Mohan Das

For the Opposite Party/s : Mr.Kanhaiya Kishore, App, 100

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Barh P.S.
Case No. 376/2020 registered for the offences punishable under
Sections 356 and 379 of the Indian Penal Code.

As per prosecution case, informant's Rs.1,30,000/-
were snatched by the two unknown miscreants and FIR lodged
against unknown.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case only on the basis of suspicion. The petitioner is not named
in the FIR. The petitioner was remanded in this case from Barh
P.S. Case No. 197/2022 and the police took his confession and



again implicated the petitioner in the present case which was lodged against unknown person in the year 2020. The petitioner is languishing in custody since 27.05.2022 and bears criminal antecedent of two cases. No incriminating article has been recovered from the conscious possession of the petitioner. He further submits that no T.I. Parade has been done against the petitioner in this case. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. On similar allegation co-accused Ashok Singh has already been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No.2543/2023.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, co-accused has already been granted bail, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief



Judicial Magistrate-I, Barh, Patna in connection with Barh P.S.
Case No. 376/2020, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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