

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36737 of 2023

Arising Out of PS. Case No.-697 Year-2022 Thana- PATNA GRP CASE District- Patna

GULSHAN KUMAR SON OF DILIP PASWAN RESIDENT OF VILLAGE-
CHAINPURA MADARPUR, BAHARI BEGAMPUR, PS- BYPASS, DISTT-
PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinod Kumar, Advocate

For the Opposite Party/s : Ms. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 31-07-2023 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with G.R.P. Patna Sahib P.S. Case No. 697 of 2022 registered for the offence under Sections 414 of the Indian Penal Code.

3. The accused/petitioner is named in the F.I.R. and is in custody since 13.12.2022.

4. As per FIR, petitioner found in possession of two mobiles.

5. Learned counsel appearing on behalf of the petitioner submitted as suspicion arises, out of criminal antecedents, where, petitioner found involved in 08 more criminal cases, where, he is on bail, was implicated falsely with present case, without any cogent materials, where mobiles in



issue, which is otherwise belong to this petitioner, were alleged to shown as stolen mobiles. It is submitted that seizure list is also appearing doubtful being not supported by independent witnesses, rather by police personnels. While concluding the argument, it is submitted that investigation of this case is completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above and by taking note of nature of allegation coupled with the fact that charge-sheet has already submitted, where, petitioner is in custody since 13.12.2022, let the petitioner, above named, is directed to be released on bail in connection with G.R.P. Patna Sahib P.S. Case No. 697 of 2022, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Railway Judicial Magistrate, Patna/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C. with further conditions:

“(i)That petitioner shall not involve in the similar nature of offence till



the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors of the petitioner shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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