

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36931 of 2023

Arising Out of PS. Case No.-261 Year-2022 Thana- GOPALPUR District- Bhagalpur

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Raja Kumar Son of Deven @ Devendra Singh Resident of village - Murli,
P.S. - Gopalpur (Rangra), Distt. - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 05-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Gopalpur
P.S. Case No. 261 of 2022 dated 03.06.2022, instituted for the
offence punishable under Sections 392 of the Indian Penal Code.

3. The prosecution case, in short, is that on 02.06.2022
at 10.30 pm while the informant was returning to home by
motorcycle, four unknown persons came on two motorcycles and
on gun point, they snatched his motorcycle and Rs. 500/- kept in
his pocket.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this
case. Learned counsel for the petitioner submits that petitioner is
not named in the F.I.R. and his name has been transpired in this



case only on the basis of confessional statement of co-accused. Learned counsel for the petitioner submits that nothing has been recovered from the possession of the petitioner. Learned counsel for the petitioner submits that police have conducted T.I.P. but petitioner has not been identified by the informant. Learned counsel for the petitioner submits that one Bhavesh Kumar has been found in possession of said motorcycle. Lastly, it has been submitted that the petitioner is in custody since 24.02.2023 having five criminal cases. Charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. 1st class, Naugachia, Bhagalpur, in Gopalpur P.S. Case No. 261 of 2022, subject to the following conditions:-

I. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.



II. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

III. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

IV. 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.

(Khatim Reza, J)

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