

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49454 of 2023

Arising Out of PS. Case No.-17 Year-2023 Thana- GADHPURA District- Begusarai

Raj Kumar S/O Jaijai Ram Yadav @ Jayjay Ram Yadav @ Jay Ram Yadav
R/O Village- Rajaur(Rajour) Ward no. 05, P.S- Gadhpura, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 50136 of 2023

Arising Out of PS. Case No.-17 Year-2023 Thana- GADHPURA District- Begusarai

Gulshan Kumar S/O Shankar Yadav R/O Village- Geer (jeer), Ps. haveanpur,
Dist. Samastipur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 49454 of 2023)

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mrs. Pushpa Sinha, APP

(In CRIMINAL MISCELLANEOUS No. 50136 of 2023)

For the Petitioner/s : Mr. Raj Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-08-2023 Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

2. Learned counsel for the petitioners is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

3. Petitioners seek bail where petitioner, namely, Raj



Kumar in custody since 11.05.2023 and petitioner, namely, Gulshan Kumar is in custody since 28.02.2023, in connection with Gadhpura P.S. Case No. 17 of 2023, F.I.R. dated 10.02.2023 for the offences punishable under Sections 394 and 397 of the Indian Penal Code.

4. According to prosecution case, two miscreants intercepted the informant and his friend and on the point of pistol they snatched Rs. 1,000/- and one mobile phone from the informant and two mobile phones from his friend and also assaulted them and then fled away.

5. Learned counsel for the petitioners submits that petitioner, namely, Raj Kumar has clean antecedent and petitioner, namely, Gulshan Kumar carries 3 criminal antecedents other than the present one and they have falsely been implicated in the present case. He further submits that the petitioners are not named in the F.I.R. and the name of the petitioner, Raj Kumar has been transpired during investigation on the basis of the confessional statement of the co-accused, namely, Gulshan Kumar who is petitioner in the second case. He further submits that the statement of the co-accused, Gulshan Kumar was recorded in Gadhpura P.S. Case No. 18 of 2023 in which the petitioner has confessed his guilt and he has named



the co-accused, Raj Kumar that he was also involved in the present occurrence and except the confessional statement of the petitioner, namely, Gulshan Kumar, no other material has come to suggest the involvement of the petitioners in the present occurrence. He further submits that nothing has been recovered from the conscious possession of the petitioners and till date no T.I.P. has been conducted by the prosecution. The petitioner, namely, Raj Kumar in custody since 11.05.2023 and petitioner, namely, Gulshan Kumar is in custody since 28.02.2023

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

7. Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Begusarai in connection with Gadhpora P.S. Case No. 17 of 2023, subject to the following conditions:-

1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence



on two consecutive dates without sufficient reason,
their bail bond shall be cancelled by the Court below.

2. If the petitioners tampers with the
evidence or the witnesses, in that case, the
prosecution will be at liberty to move for cancellation
of bail.

3. And further condition that the court
below shall verify the criminal antecedent of the
petitioners and in case at any stage it is found that the
petitioners have concealed their criminal antecedent,
the court below shall take step for cancellation of bail
bond of the petitioners. However, the acceptance of
bail bonds in terms of the above-mentioned order
shall not be delayed for purpose of or in the name of
verification.

(Rajesh Kumar Verma, J)

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