

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52007 of 2023

Arising Out of PS. Case No.-29 Year-2022 Thana- GANDHIMAIDAN District- Patna

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Raushan Bind @ Ashish @ Ashish Bind Son Of Vishnudev Bind Resident Of
Village- Belthu, P.S- Shahkund, Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since
02.05.2023, in connection with Gandhi Maidan P.S. Case No. 29 of
2022, F.I.R. dated 15.01.2022 registered for the offences
punishable under Sections 379 of the Indian Penal Code.

3. The F.I.R. of the occurrence of theft is against
unknown.

4. Learned counsel for the petitioner submits that
the petitioner is innocent and he has been falsely implicated in
the present case. He further submits that the petitioner is not
named in the F.I.R. and the name of the petitioner has been
transpired during investigation on the basis of confessional
statement of co-accused person namely Satyadeo Bind. He



further submits that nothing has been recovered from the conscious possession of the petitioner and the petitioner remanded from Jagdishpur P.S. Case No. 97 of 2022 on 02.05.2023. He further submits that similarly situated co-accused namely Nandu Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 24.07.2023 passed in Cr. Misc. No. 43387 of 2023. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 02.05.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries three more cases other than the present one but fairly submits from paragraph-3 of the petition that the petitioner is on bail in all the cases.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Patna in connection with Gandhi Maidan P.S. Case No. 29 of 2022, subject to the following conditions :-

(1) Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, 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 petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. 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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