

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52161 of 2023**

Arising Out of PS. Case No.-94 Year-2023 Thana- SHEIKHOPUR SARAI District-
Sheikhpura

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GOKUL KUMAR @ GOPAL KUMAR SON OF BIRENDRA PRASAD
TAMOLI RESIDENT OF VILLAGE- AMBARI PS- SHEKHOPUR,
DISTRICT- SHEIKHPURA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : None.

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-08-2023 On call, no one appears on behalf of the petitioner
although learned APP for the State is present.

The petitioner is an accused in connection with
Shekhopur Sarai P.S. Case No. 94 of 2023 registered for the
offences under section 395 of the Indian Penal Code lodged on
19.05.2023 by the informant, Chandrabhushan Prasad.

As per the prosecution story, the informant was
returning after attending the ‘*tilak*’ ceremony, was assaulted and
relieved of the motorcycle, mobile, driving license and the
Aadhar Card. Accordingly, the FIR.

As per the petition, he had nothing to do with the
alleged occurrence, he purchased the mobile from one Mukesh
Kumar which was found to be snatched from the informant



herein, he has suffered by being in custody since 30.05.2023 (as stated in paragraph 13 of the bail application), despite the fact that he do not have criminal antecedent.

Learned APP for the State, on the other hand, opposes the prayer for bail.

Taking into account the facts that has been incorporated in the petition, he do not have criminal antecedent and is in custody since 30.05.2023, this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned C.J.M., Sheikhpura in connection with Shekhopur Sarai P.S. Case No. 94 of 2023, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned



police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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