

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52751 of 2023

Arising Out of PS. Case No.-116 Year-2018 Thana- GOPALPUR District- West Champaran

CHANDRAGUPT KUMAR son of Late Harinarayan Ram Mohalla-
Baswariya Ambedkar Colony Ward no-31, Ps- Bettiah Town Dist- West
Champaran Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Manisha Khushi, Advocate

For the Opposite Party/s : Mr. Binod Kumar No. III, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 21-08-2023 It has been informed by Mr. Binod Kumar No. III

that actually while receiving the copy by the A.G. Office, his name is written as Binod Kumar No. III, inadvertently, in the cause list No. III is missing. He as such, requests that his name be incorporated as Binod Kumar No. III as is received in the A.G. Office.

Office to do accordingly.

Heard Ms. Manisha Khushi, learned Counsel for the petitioner and Mr. Binod Kumar No. III, learned APP for the State.

The petitioner is an accused in connection with Gopalpur P.S. Case No. 116 of 2018 registered for the offences under section 394 of the Indian Penal Code and section 27 of the Arms Act lodged on 21.08.2018 by the informant, Sandeep Prasad Choudhary.

As per the prosecution story, the allegation is that



after injuring the employee of the informant, the accused persons took away Rs. 1,38,400/- as also the Tab/Bio-Metric etc. Accordingly, the FIR.

It has been submitted by the learned Counsel for the petitioner that though the allegation is of looting the aforesaid articles/cash, there is no recovery so far as the petitioner is concerned, despite in custody, no T.I. Parade conducted and the last submission is that the others have been granted bail.

Learned APP for the State, on the other hand, opposes the prayer for bail stating that the matter is of 2018, he has delayed coming to judicial custody and further has seven criminal cases.

Though this Court finds force in the submissions of the learned APP, in view of the fact that the others have been granted bail as incorporated in paragraph 11 and attached as Annexure 2 series, this Court is inclined to extend him privilege of bail but only after framing of the charges.

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., Bettiah, West Champaran in connection with Gopalpur P.S. Case No. 116 of 2018, 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 month till the conclusion of trial 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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