

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52598 of 2022

Arising Out of PS. Case No.-581 Year-2021 Thana- BIHTA District- Patna

Prem Kharwar @ Ranjeet Gulgulia S/O Kamlen Gulguliya, aged about 25 years, Male, Resident of village- Lala Bhardsera, P.S.- Dulhin Bazar, District- Patna, At present residing at Mohalla- Rupaspur Naharpar, Chulhai Chak, Jalalpur, P.S.- Rupaspur, District- Patna, Pin code- 801506 (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 09-01-2023 Heard learned counsel for the petitioner and the learned APP
for the State.

The petitioner seeks bail in connection with Sessions Trial No. 91 of 2022 arising out of Bihta P.S. Case NO. 581 of 2021 registered for the offence punishable under Sections 380, 457 of the Indian Penal Code (for brevity 'IPC') and Section 27 of Arms Act and the said Sections of the I.P.C. was subsequently converted into 395 & 412 of the I.P.C. vide order dated 03.09.2021.

4 (four) persons have entered the house of the informant with the intention of committing theft. It is alleged that when the family member awoke from their sleep, perpetrators have fled away and while fleeing away, there is allegation of firing also.

Learned counsel for the petitioner submits that the petitioner having no antecedents, is in custody since 03.09.2021. The mobile phone which has been allegedly recovered from the petitioner was purchased by him from a friend. It is further submitted that till date Test Identification Parade (for brevity 'TIP') has not been conducted, even though informant claims to have seen the perpetrators fleeing away.



Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, period of custody, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VI, Danapur, Patna, in connection with Bihta Police Station Case No. 581 of 2021, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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