

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53103 of 2022

Arising Out of PS. Case No.-105 Year-2022 Thana- PATRAKARNAGAR District- Patna

GULSHAN KUMAR S/O GIRISH SINGH R/o village katradih, P.S. Katari
Sarai, Dist. Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 21-03-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for
the offence under Sections 420, 467, 468, 471, 474, 120B of
the Indian Penal Code and Section 66(c) of the I.T. Act.

The petitioner along with another are
apprehended by the police having unlawful possession of
several mobile phones and details of many people from
different parts of the country including cash of Rs.100000/-

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case. He further submits that the police is
the informant in the case. He further submits that it appears



from the seizure list that several debit and credit cards along with other material have been recovered from the possession of the petitioner. He, however, submits that no private individual has come forward to lodge complaint or F.I.R. against the petitioner. He further submits that there is no compliance of Section 100 of the Cr.P.C. The petitioner is rotting in judicial custody since 01.03.2022.

A report with regard to present stage of the trial has been called for by this Court vide order dated 17.02.2023 which has been received and forms part of this application at Flag-R. On perusal thereof, it would reveal that the record is pending for the appearance of one accused, namely, Sonu Kumar and summons have been issued for appearance of the accused.

Learned counsel appearing for the petitioner referring to the aforesaid report submits that the trial of this case is not likely to be concluded in near future and the petitioner is languishing in judicial custody since 01.03.2022 i.e more than one year.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.



Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Court below where the case is pending in connection with Patrakar Nagar P.S. Case No. 105 of 2022 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

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

(3) The petitioner shall ensure his presence/attendance on each and every Monday of every month of the calendar year before the concerned police station and if he fails to do so, the bail bonds of the petitioner shall stand canceled automatically.

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 antecedent, 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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