

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56452 of 2023

Arising Out of PS. Case No.-184 Year-2022 Thana- BARHIYA District- Lakhisarai

Shubham Kumar S/O Gopal Ram R/O Village- Barahiya, Mohalla Purani
Chhawani, English Ward No. 18, Ward No. 18, P.S- Barahiya, Distt.-
Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Om Prakash Maharaj, Advocate

For the Opposite Party/s : Ms. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 29-08-2023 Heard the parties.

2. The petitioner is in judicial custody in connection with Barahiya P.S. Case No. 184 of 2022 for the offence punishable under Section 392 of the Indian Penal Code lodged on 25.08.2022 by the informant Sunil Singh. Later on offences under Sections 395 and 412 of the Indian Penal Code were added.

3. As per the prosecution story, the informant has alleged that his vehicle was looted by the accused persons after having intercepted at Bahadurpur Bridge. This followed the FIR.

4. Subsequently, during investigation the name of the petitioner came up. One Raushan Kumar was also apprehended



and the recovery has been attributed to the said Raushan Kumar. It is the case of the petitioner that the main culprit is/are Raushan Kumar who has been extended bail by a coordinate Bench of this Court in Cr. Misc. 64110 of 2022 (Annexure-2 series).

5. Learned APP opposes the prayer.

6. Considering the aforesaid submissions put forward by the learned counsel for the parties the fact remains that subsequently the recovery has been made from one Raushan Kumar who, as stated above, has been granted bail, the petitioner has been in custody since 16.06.2023 (para-4), the petitioner has no criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of Mr. Pappu Kumar Pandit, learned Judicial Magistrate, Lakhisarai, in connection with Barahiya P.S. Case No. 184 of 2022 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 for next six months to mark his 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 the 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 his bail bonds.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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