

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55831 of 2022

Arising Out of PS. Case No.-203 Year-2021 Thana- TEGHRHA District- Begusarai

Golu Kumar @ Golu Bind S/O Jitendra Singh Resident Of Village- Chamtha,
Number Bandhper, Ward No.3, P.S.- Bachhawara, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surya Narayan Roy, Advocate

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 03-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 395, 412, 120B of the Indian Penal Code.

According to prosecution case, a TATA pick-up van bearing Registration No. BR 21 GA 3369 was taken away by the five unknown miscreants on the gun point and in the said vehicle total 2500 kg. of Mango was kept.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that petitioner is not named in the F.I.R. and the name of the petitioner has been transpired on the basis of confessional statement recorded in one Vidyapati



Nagar P.S. Case No. 77 of 2021. He further submits that on the basis of confessional statement of the petitioner in Vidyapati Nagar P.S. Case No. 77 of 2021 that some looted Mango has been recovered from the possession of the petitioner but the looted vehicle was recovered from the possession of co-accused namely, Pravin Kumar Thakur. He further submits that till date no TIP has been conducted by the prosecution and the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Sany Kumar @ Sunny Kumar @ Chhotu @ Chhotua has been granted bail by a co-ordinate Bench of this Court vide order dated 28.09.2022 passed in Cr. Misc. No. 35382 of 2022 and another co-accused namely, Vinod Kumar @ Vinod Kumar Vinodia has been granted bail by a coordinate Bench of this Court vide order dated 19.09.2022 passed in Cr. Misc. No. 28010 of 2022 and another co-accused namely, Amarnath Mahto has been granted bail a Coordinate Bench of this Court vide order dated 14.07.2022 passed in Cr. Misc. No. 15806 of 2022 respectively. The petitioner is in custody since 07.08.2021.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries nine criminal antecedents other



than the present one and petitioner is on bail in four cases out of nine cases.

Considering the aforesaid facts and circumstances as well as period of custody, 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 Court below where the case is pending in connection with Teghra P.S. Case No. 203 of 2021, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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. 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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