

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57063 of 2023

Arising Out of PS. Case No.-53 Year-2022 Thana- KUDRA District- Kaimur (Bhabua)

Gufran Khan Son Of Abulaish Khan R/O Village Bhagirathipur P S Mohania
District Kaimur, Bhabua

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Pd. Singh, Sr. Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-09-2023 Heard Mr. Krishna Pd. Singh, learned senior
counsel for the petitioner and learned Additional Public
Prosecutor for the State.

2. Learned counsel for the petitioner is permitted to
make corrections in paragraph no. 9 of the bail petition during
the course of the day.

3. Petitioner seeks bail who is in custody since
14.07.2023 in connection with Kudra P.S. Case No. 53 of 2022,
F.I.R. dated 10.03.2022 for the offences punishable under
Sections 420 and 379 of the Indian Penal Code.

4. According to prosecution case, the truck of the
informant loaded with rice which was driven by the petitioner
got traceless and the informant suspects that the petitioner was
behind such incident.



5. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that from perusal of the F.I.R it appears that the date of occurrence as alleged in the F.I.R is 21.12.2021 but the present F.I.R was instituted on 10.03.2022 i.e. after delay of three months without giving any explanation of the said delay. He further submits that as per the F.I.R, the petitioner is the driver of the truck in question which was coming from Banda, U.P. and going to Mohaniya but the said truck as well as the rice which was loaded in the truck never reached its destination and the petitioner has also switched off his mobile phone. He further submits that it appears that the informant suspects that the petitioner was involved in the present crime in question. He further submits that nothing has been recovered from the possession of the petitioner. The petitioner is in custody since 14.07.2023.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that sufficient material has come during investigation to suggest the involvement of the petitioner in the present occurrence and apart from the aforesaid, the petitioner carries 4 criminal antecedents other than the present one but fairly



submits on the basis of paragraph 3 of the bail petition that in one case the police have submitted final form in favour of the petitioner and the same has been accepted by the learned Magistrate, in two cases the petitioner is on bail and in one case cognizance has not been taken against the petitioner.

7. Considering the aforesaid facts and circumstances, 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 Judicial Magistrate, 1st Class, Mohania, District- Kaimur in connection with Kudra P.S. Case No. 53 of 2022, subject to the following conditions:-

i. 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.

ii. 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.

iii. 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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