

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58612 of 2023

Arising Out of PS. Case No.-218 Year-2023 Thana- GORAUL District- Vaishali

Mohan Kumar S/O Upendra Sahni R/O Village- Hasanpur Gangati, Ps.
Goraul, Dist. Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Dharendra Pd. Sinha, Advocate
	Ms. Rina Sinha, Advocate
For the Opposite Party/s :	Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 25.05.2023 in connection with Goraul (Kathara O.P.) P.S. Case No.218 of 2023, F.I.R. dated 25.05.2023 for the offences punishable under Sections 392, 411 of the IPC.

3. According to prosecution case, on 24-05-2023 when the informant was returning home from his relative on a hired Scorpio Jeep bearing registration no. BR-30P-1000 and when he was at village- Gangti miscreants riding on two motorcycle over take the Scorpio and one miscreant at the point of pistol snatched key of jeep and other miscreants removed from cash Rs. 1000/- and Aadhar card and assaulted him and third miscreants removed Rs. 3000/- from the son of informant



and they also demanded mobile in the meantime patrolling police party arise there and the police arrested one person and others escaped on motorcycle and one person who caught disclosed his name as Abhimanu Kumar and on searched Rs. 1000/- and Aadhar Card and key of Scorpio from the possession of the Abhimanu Kumar.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the petitioner is not named in the FIR and the name of the petitioner has been transpired on the basis of confessional statement of co-accused, Abhimanyu Kumar and no incriminating article has been recovered from the possession of the petitioner, rather the looted article and Aadhar etc. were recovered from other co-accused person, namely Abhimanyu Kumar. He further submits that except the confessional statement of co-accused person, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the co-accused persons Bhola Kumar and Chandan Kumar whose name have also come on the basis of the confessional statement of co-accused person have been granted bail vide order dated 01.09.2023 in Cr. Misc. No.58251 of 2023.



He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 25.05.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. 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 Chief Judicial Magistrate, Vaishali at Hajipur in connection with Goraul (Kathara O.P.) P.S. Case No.218 of 2023, 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)

Prakash Narayan

U		T	
---	--	---	--

