

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68390 of 2023

Arising Out of PS. Case No.-75 Year-2023 Thana- MAHESHKHUNT District- Khagaria

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Gourav Kumar @ Gaurav Kumar son of Timan Paswan Village-
Maheshkhunt Kanhaiya Tola PS- Maheshkhunt Dist- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Pushpa Sinha.1, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 18-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Maheshkhunt P.S. Case No. 75 of 2023, G.R. No. 1079 of 2023
dated 11.04.2023, lodged under Sections 457, 380 & 411 of the
I.P.C.

3. As per the prosecution case, the F.I.R has been
lodged against unknown accused persons against whom the
allegation of committing theft of articles amounting
Rs.4,00,000/- as well as mobile phone, cash, etc.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
submits that the petitioner is not named in the F.I.R. rather his
name has figured in this case by virtue of the confessional
statement of one Prem Kumar.

5. Learned counsel for the petitioner further submits

that nothing incriminating has been recovered from the possession of the petitioner nor he was put on T.I.P. Counsel further submits that the other co-accused person has been granted bail by the Co-ordinate Bench of this Court vide order dated 13.10.2023 passed in Cr. Misc. No. 65577 of 2023. Counsel further submits that the antecedent of the petitioner is clean and he is in custody since 15.06.2023.

6. Learned counsel for the State opposes the prayer for bail and submits that it is true that the name of the present petitioner has figured in this case by virtue of the confessional statement of one Prem Kumar. It has also been disclosed by the counsel for the State that in the rejection order of the Trial Court, it has been acknowledged that the Prem Kumar has categorically stated that he has purchased the mobile phone from the present petitioner. As such, the case of the present petitioner is differ from the case of co-accused to whom the bail has been granted by the Co-ordinate Bench of this Court.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail only after framing of charge on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate- 1st Class, Khagaria in connection with Maheshkhunt P.S. Case No. 75 of 2023, G.R.

No. 1079 of 2023, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other 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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(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 the bail bonds.

8. With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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