

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67021 of 2022

Arising Out of PS. Case No.-192 Year-2022 Thana- GHOSI District- Jehanabad

SURAJ KUMAR SON OF SHARMA NAND RAM @ SHARMANAND
KUMAR R/O VILLAGE- JAIPUR BAZAR, P.S.- GHOSHI (OKARI O.P.),
DISTRICT- JEHANABAD

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-03-2023 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 420, 414 and 34 of the
Indian Penal Code.

According to prosecution case, one motorcycle is said
to have been recovered from the possession of the petitioner.

Learned counsel for the petitioner submits that the
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that the name of the petitioner
has been transpired on the basis of disclosure made by the co-
accused. He further submits that nothing has been recovered
from the conscious possession or the house of the petitioner. He



further submits that from bare perusal of the F.I.R., it transpires that no case is made out under Sections 420 or 414 of the Indian Penal Code against the petitioner.. He further submits that similarly situated, co-accused, namely, Chhotu Sharma and another have been granted bail by a co-ordinate Bench of this Court vide order dated 29.09.2022 passed in Cr. Misc. No. 36188 of 2022 and other co-accused namely, Mukesh Kumar has been granted bail vide order dated 22.02.2023 passed in Cr. Misc. No. 62248/2022 and the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 28.08.2022.

The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries four criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail, after framing of charge, if not framed, 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 Ghoshi (Okari O.P.) P.S. Case No. 192 of 2022, 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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