

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67187 of 2023

Arising Out of PS. Case No.-902 Year-2023 Thana- KHAJANCHI HAT District- Purnia

Gulashan Kumar @ Gulsan Kumar @ Gulshan Kumar Son Of Sri Suman Kumar Jha @ Suman Kumar R/O Vill - Banbhag, P.S. - K. Nagar, Distt. - Purnea

... .. Petitioner/S

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand, Adv.

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 17-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
K. Hat P.S. Case No. 902 of 2023 lodged under Sections 413,
414 & 401 of the I.P.C.

3. As per the prosecution case, the F.I.R. has been
lodged against 5 named accused persons including the
petitioner. It has been stated in the F.I.R. that the police has
arrested one accused, namely, Md. Barik who disclosed that he
has a group who used to commit theft in Purnea town. On his
disclosure, the police reached at the house of the petitioner from
where certain articles have been recovered about which it has
been disclosed by the petitioner that he has purchased one of the

articles from the accused Md. Barik and recovery has been made from his house as per the seizure list.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He submits that as per the F.I.R. itself, the apprehended accused has stated that he has team of 3 persons who used to commit theft and some articles, they have sold to the present petitioner.

5. Counsel further submits that the gold locket like Mangal Sutra which has been recovered, is personal property whereas one ear ring about 1.8 gram has been purchased.

6. Counsel for the petitioner submits that petitioner is in custody is since 01.08.2023 having clean antecedent. He further submits that the offence in which the case has been filed is magisterial triable in nature.

7. Learned counsel for the State opposes the prayer for bail.

8. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea, in connection with K. Hat P.S. Case No. 902 of 2023,

subject to the following 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.

(Dr. Anshuman, J.)

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