

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66845 of 2022**

Arising Out of PS. Case No.-298 Year-2021 Thana- RAFIGANJ District- Aurangabad

GOVIND KUMAR @ ABHISHEK KUMAR Son of Rajendra Choudhary
R/V- Labhri, P.S- Rafiganj, Dist- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamlendra Pd. Singh, Adv.

For the Opposite Party/s : Mr.Yogendra Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 21-03-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for
the offence under Sections 394 of the Indian Penal Code.

The case pertains to commission of loot of
motorcycle, mobile and cash of Rs. 550/- from the informant
on the point pistol and assault.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case. He further submits that the
petitioner has not been named in the F.I.R. but merely on the
basis of confessional statement of the co-accused, Ravi
Kumar @ Bittu Kumar and Dayanand Kumar @ Pujari @



Baba, he has been made accused in this case. He further submits that, in fact, neither anything incriminating has been recovered from the conscious possession of the petitioner nor the petitioner has been put on T.I.P. by the prosecution as yet. Save and except the confession of the co-accused, no cogent material has surfaced in this case against the petitioner. Moreover, the co-accused, namely, Sachin Kumar @ Schidanand Kumar, has already been granted bail by a co-ordinate Bench of this Court vide order dated 17.10.2022 passed in Cr. Misc. No. 36190 of 2022. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 11.08.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Court below where the case is pending in connection with Rafiganj P.S. Case No. 298 of 2021 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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