

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66875 of 2022

Arising Out of PS. Case No.-184 Year-2022 Thana- BARHIYA District- Lakhisarai

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GOPAL RAM Son of Hari Nandan Ram Resident of Village- Purani
Chhawani, English, Barahiya, P.S.- Barahiya, District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rabi Bhushan, Adv.

For the Opposite Party/s : Ms. Meena Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 27-03-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offence punishable under Section 392 of the Indian Penal Code.

According to prosecution case, while the informant
was carrying goods on his vehicle, 3-4 unknown miscreants
overtook his vehicle and took the informant along with his
vehicle and dropped him in the way. Thereafter the informant
gave information to his owner and Barahiya Police Station.
Subsequently, the police recovered the said vehicle from
Andauli More and found altogether 32 articles were missing.

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 F.I.R. The name of the petitioner has been transpired during investigation on the basis of confessional statement of the co-accused namely, Raushan Kumar. He further submits that nothing has been recovered from the conscious possession of the petitioner rather the recovery has been made from the possession of the co-accused namely, Subodh Kumar. He further submits that till date no T.I.P has been conducted by the prosecution and the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 11.09.2022.

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

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 Court below where the case is pending in connection with Barahiya P.S. Case No. 184 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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