

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74257 of 2023

Arising Out of PS. Case No.-426 Year-2022 Thana- AMAS District- Gaya

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Roshan Kumar @ Munna Kumar, S/o Adit Ravidas @ Aditya Ravidas,
resident of Village- Karamdih, Ps. Amas, Dist. Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Md. Javed Jafar Khan, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Amas P.S. Case No. 426 of 2022 registered for the alleged offences under Sections 386, 387/34 of the Indian Penal Code and later on charge sheet has been submitted under Sections 387, 395, 412 of the Indian Penal Code.

3. As per prosecution case, six miscreants on two motorcycles came to the plant of the informant in the midnight and they assaulted the informant and labourers working there and snatched their mobile phones and also took away Rs.1,50,000/- from the counter. Thereafter, the informant received an extortion call from the snatched mobile phone demanding Rs.5,00,000/-. The name of the petitioner transpired



as an accused during investigation.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has been named in this case on the basis of confessional statement of co-accused Guddu Kumar. Nothing incriminating has been recovered from the person/ possession of the petitioner and except for confessional statement, there is no material available against this petitioner on record. The petitioner was not put to any Test Identification Parade. The petitioner is in custody since 30.10.2022 and the charge sheet has been submitted. The learned counsel further submits that similarly placed co-accused persons have been granted bail by different Coordinate Benches of this Court vide orders dated 17.05.2023, 26.06.2023, 17.08.2023 and 03.07.2023 passed in Cr. Misc. Nos. 17660/2023, 33569/2023, 50947/2023 and 37673/2023, respectively. The petitioner is also an accused in Amas P.S. Case No.427 of 2022 registered under Sections 395, 412 and 387 of the Indian Penal Code.

5. Learned A.P.P. opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made hereinabove and considering the fact that no



recovery has been shown from this petitioner and further considering the submission of charge sheet and the period of custody of the petitioner and also considering grant of bail to other similarly placed co-accused persons, the petitioner is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Sherghati, Gaya, in connection with Amas P.S. Case No. 426 of 2022, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

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(Arun Kumar Jha, J)

