

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72919 of 2023

Arising Out of PS. Case No.-333 Year-2023 Thana- BANMANKHI District- Purnia

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GUDDU KUMAR S/O SANJAY YADAV R/O VILLAGE- RAMANI,
WARD NO. 13, P.S- MURLIGANJ, DISTT.- MADHEPURA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-11-2023 Heard Mr. Bhola Prasad, learned Counsel for the

petitioner and Mr. Bharat Bhushan, learned APP for the State.

2. The petitioner is an accused in connection with Banmankhi P.S. Case No. 333 of 2023 registered for the offences under section 392 of the Indian Penal Code lodged on 14.07.2023 by the informant, Guddu Kumar.

3. This is one of the particular case which informant himself has become the petitioner and is in custody. He lodged an FIR that being an officer with Chetan Indian Fin Credit Private Limited, Banmankhi, when he was moving after collection of money from the customer (Rs. 2,49,210/-), was intercepted by the accused persons who looted away the money.

4. During the investigation, it surfaced that the petitioner himself created the story alongwith one co-accused Prince Kumar and on the confession of the petitioner, the amount was recovered from the said Prince Kumar. This way he



has come into judicial custody.

5. Learned Counsel for the petitioner submits that it was actually a loot but the police forced him to confess and thus implicated in the trial and he has already suffered by being in custody since 18.07.2023 (as stated in paragraph 12 of the bail application).

6. Learned APP for the State, on the other hand, opposes the prayer for bail stating that with cheating in his mind, he created a story and in this way, the State was made to lodge a false case.

7. Though the Court agrees with the new point of learned APP that due to a false story created by the petitioner, FIR came to be lodged and police has to investigate the matter, considering the fact that he has already suffered by being in custody since 18.07.2023 and do not have criminal antecedent, this Court is inclined to extend him privilege of bail.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned C.J.M., Purnea in connection with Banmankhi P.S. Case No. 333 of 2023, subject to the 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 bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(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 his bail bonds.

9. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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