

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73476 of 2023**

Arising Out of PS. Case No.-563 Year-2021 Thana- KHAGARIA District- Khagaria

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GUDDU KUMAR SON OF RAMJAPO YADAV RESIDENT OF VILLAGE
- SUKHASAN, P.S. - BITHAN, DISTRICT - SAMASTIPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. Md. Nazir Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-11-2023 Heard the parties.

2. The petitioner is an accused in connection with Khagaria Muffasil P.S. Case No. 563 of 2021 (G.R. No. 2307 of 2021) registered for the offences under section 394 of the Indian Penal Code and section 27 of the Arms Act lodged on 20.07.2021 by the informant, Ranjeet Kumar.

3. As per the prosecution story, on 19.07.2021 the informant closed his shop went to the Bank, withdrew Rs. 3,05,000/- and then started his return journey to home when the accused persons intercepted and looted the amount but not before injuring him by opening fire. He informed the family members whereafter the police patrolling came, brought him to



Sadar Hospital, Khagaria from where he was referred to Begusarai for treatment. Accordingly, the FIR.

4. Learned Counsel for the petitioner submits that his name has come in the confessional statement of Mantoon Kumar and no T.I.Parade conducted despite the fact that he is in custody since 25.02.2023 but wrongly typed as 18.09.2023 in paragraph 13 and for the said lapses, he intends to pay Rs. 500/- to the Patna High Court Legal Services Committee.

5. Learned APP for the State, on the other hand, opposes the prayer for bail stating that he has criminal antecedent of the same nature.

6. Considering the allegation which includes not only the looting of the amount, the informant was also injured, initially this Court was not inclined to extend him privilege of bail but in view of the fact that one of the co-accused, Sudhanshu Kumar has since been granted bail, it would be suffice that he is released on bail but only after the framing of the charges as due to his absence for two years (the case is of 2021 while he came into judicial custody only in 2023), the Trial was delayed.

7. Accordingly ordered.

8. Let the petitioner be released on bail after framing



of the charges subject to payment of Rs. 500/-, as stated above on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned J.M. 1st Class, Khagaria in connection with Khagaria Muffasil P.S. Case No. 563 of 2021, G.R. No. 2307 of 2021, 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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