

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73807 of 2023

Arising Out of PS. Case No.-520 Year-2022 Thana- CHERKI District- Gaya

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JOGENDRA KUMAR S/O RAJESH VISHWAKARMA RESIDENT OF
VILLAGE-PAIBIGHA, P.S.-MAIN, DIST.-GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prithivi Raj Singh

For the Opposite Party/s : Mr.Surendra Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Bodh
Gaya (Cherki) P.S. Case No. 520 of 2022 registered for the
offence punishable under Section 395 of the Indian Penal Code.

3. As per prosecution case, informant along with his
staff proceeded on a motorcycle towards Gaya from Cherki
Bazar. In the meantime, 8 persons on three motorcycles came
and dashed the informant's motorcycle due to which the
informant fell on the ground. It is further alleged that on the
point of pistol the miscreants snatched cash of Rs. 30,000/-, two
ATM cards and 20 gram gold worth Rs. 1,00,000/- from the
informant and also assaulted him. The miscreants also
threatened that they would kill the informant's brother.



Thereafter the miscreants fled away from there. Hence, the FIR has been registered against eight unknown.

4. Learned counsel for the petitioner submits that petitioner is not named in the FIR and his name has been surfaced in this case upon the confessional statement of co-accused Ravindra Paswan. Except the disclosure of co-accused Ravindra Paswan, there is nothing on record to connect the present petitioner with the alleged occurrence. No incriminating article or stolen property has been recovered from conscious possession of the petitioner. Petitioner was not put on TIP. He further submits that petitioner was arrested in Chandauti P.S. Case No. 360 of 2022 on 19.09.2022 and he was remanded in this case on 20.10.2022 and since then he is in custody. Petitioner bears criminal antecedent of four cases in which he is on bail, as mentioned in para 11 of the petition. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution



evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-2nd, Gaya in connection with (Bodh Gaya) Cherki P.S. Case No. 520 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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