

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.73861 of 2022**

Arising Out of PS. Case No.-110 Year-2022 Thana- SALIMPUR District- Patna

GOVIND KUMAR @ GOVIND RAJ Son of Ram Shankar Yadav @ Shankar Ray Resident of Dadarmandi, Gulzarbagh, P.S.- Alamganj, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Harish Kumar, Adv.

For the Opposite Party/s : Mr. Binod Kumar No.3, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      17-04-2023                      Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since 01.08.2022, in connection with Salimpur P.S. Case No. 110/2022, F.I.R. dated 18.06.2022, for the offences punishable under Sections 356, 379, 420, 34 of the Indian Penal Code.

According to prosecution case, two persons came on a red motorcycle and snatched the informant's mobile, two ATM cards etc and fled away.

Learned counsel for the petitioner submits that the 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 confessional



statement of co-accused namely, Samsher Alam. He further submits that nothing has been recovered from conscious possession of the petitioner and the recovered mobile belongs to the petitioner and the same is not a looted property and similarly, co-accused, namely, Sonu Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 18.01.2023 passed in Cr. Misc. No. 58398/2022 and another co-accused namely, Raushan Kumar has been granted bail vide order dated 08.02.2023 passed in Cr. Misc. No. 60879/2022. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 01.08.2022.

The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries two criminal antecedent other than the present one but fairly submits on the basis of supplementary affidavit that the petitioner is on bail in both the cases.

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 Sri S. Sahai, Judicial



Magistrate 1<sup>st</sup> Class, Barh, in connection with Salimpur P.S.

Case No. 110/2022, 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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