

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1855 of 2023

Arising Out of PS. Case No.-210 Year-2022 Thana- MADANPUR District- Aurangabad

Golu Kumar @ Gulu Kumar S/o Basant Singh @ Basant Kumar Singh R/o
Village- Gaura, P.S.- Madanpur, Distt- Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Singh, Advocate

For the Opposite Party/s : Mr. Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 26-04-2023 Learned counsel for the petitioner is permitted to remove the defect(s), if any, as pointed out by the office, within a period of four weeks from today.

Heard Mr. Rakesh Singh, learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner seeks bail, who is in custody, in connection with Madanpur P.S. Case No. 210 of 2022, registered for the offences punishable under Sections 420, 379 of the Indian Penal Code.



It is alleged that on 25.04.2022, while the informant was coming on his Tempo along with the passengers and in the way, when he stopped his Tempo for taking lunch, passengers fled away with the Tempo.

Learned counsel appearing on behalf of the petitioner submits that the FIR has been instituted against unknown miscreants, however, during the course of investigation, the petitioner was apprehended in connection with Barun P.S. Case No. 214 of 2022 registered for the offences under Section 379 of the Indian Penal Code and thereafter on the basis of his own confession recorded before the police, he has been remanded in the present case. However, neither any incriminating material nor the stolen Tempo has been recovered from the possession of the petitioner and moreover prior to institution of Barun P.S. Case No. 214 of 2022, the petitioner has had absolutely clean antecedent. He further submits that the petitioner is in custody since 12.08.2022 and neither he has been put on Test Identification Parade nor there is any material justifying his custody.

On the other hand, learned APP for the State opposed the bail application.

Regard being had to the submissions made on behalf



of the parties and considering the fact that nothing incriminating material has been recovered from the possession of the petitioner and moreover, offences are triable by Magistrate, coupled with the period of custody, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Aurangabad in connection with Madanpur P.S. Case No. 210 of 2022, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

Anjani/-

U		T	
---	--	---	--

