

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.9652 of 2024**

Arising Out of PS. Case No.-874 Year-2019 Thana- MUZAFFARPUR SADAR District-  
Muzaffarpur

Prashant Gaurav S/O-Sujit Kumar @ Sujit Singh Resident of Village-  
Gopalpur Rajaram, P.S.-Sakra, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Hari Kishore Thakur, Adv.  
For the Opposite Party/s : Mr.Arun Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH  
MISHRA**

ORAL ORDER

3      22-04-2024                      Heard learned counsel for the petitioner and learned  
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with  
Sadar P.S. Case No. 874 of 2019 instituted for the offences  
under Sections 392 and 120(B) of the Indian Penal Code.

3. As per prosecution case, two unknown  
miscreants, on the point of gun, looted the ATM and fled away  
with the bag containing Rs. 24 lakh in cash after snatching the  
gun of gunman of the ATM.

4. Learned counsel for the petitioner submits that  
the petitioner is innocent and has committed no offence as  
alleged against him and has falsely been implicated in the  
present case due to dirty local politics. The petitioner is not



named in the F.I.R. and his name has come in this case during investigation on the basis of the statement of the spy of the police who in his statement has stated that he has seen the CCTV footage in which the photo of the petitioner got matched from the photo of CCTV footage and, save and except this statement of the spy to the police, there is nothing on record against the petitioner. The petitioner has been remanded in this case from another case. Nothing incriminating has been recovered from the conscious possession of the petitioner. No T.I.P. has been conducted by the police. There is no specific and direct allegation against the petitioner rather the same is omnibus and general in nature. The petitioner has seven criminal antecedents as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 31.10.2023. Charge-sheet has been submitted in this case.

5. On the other hand, the learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that though the petitioner is not named in the F.I.R. but, there is sufficient evidence in the case diary against the petitioner and he has been seen in the CCTV footage. The petitioner has criminal antecedent of four other criminal cases



which are of loot and, thus, the petitioner appears to be a habitual offender. There is a loot of 24 lakhs rupees. The allegation made against the petitioner is serious in nature and, thus, the petitioner does not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and nothing has been recovered from the possession of the petitioner, let the petitioner, abovenamed, be released on bail **after framing of charge, if not already framed**, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Sadar P.S. Case No. 874 of 2019.

(Rudra Prakash Mishra, J)

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