

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19439 of 2024

Arising Out of PS. Case No.-544 Year-2022 Thana- CHHATAUNI District- East Champaran

Gulshan Kumar S/O Brhamanand Prasad Kushwaha @ Brahamanand Mahto
R/O Village- Birta Chauk, P.S- Ghorasahan, Distt.- East Champaran.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 17-05-2024

Heard the parties.

2. The petitioner is in custody in connection with Chhatauni P.S. Case No. 544 of 2022 for the offence under Sections 457, 380 of the Indian Penal Code lodged on 22.10.2022 by the informant, Rohit Kumar.

3. As per the prosecution story, the informant alleged that on 21.10.2022, he closed his Mobile & Electronic Shop in Motihari and on the next day, the shutter was found broken and the mobile phone of Rs. 16,00,000/- was stolen. Accordingly, the F.I.R.

4. Subsequently, investigation took place and one, Md. Sabir Dewan was picked up who gave the name of the accomplice, the petitioner being one of them, accordingly, he was also picked up.



5. Learned counsel for the petitioner submits that though his name has come in the confessional statement, nothing has been recovered from the conscious possession of the petitioner and he has remained in custody since 07.01.2023 (paragraph 11 of the petition).

6. Learned APP opposes the prayer submitting that he has criminal antecedent of the same nature.

7. Though, the petitioner has criminal antecedent, nothing has been recovered from his possession/house, he has remained in custody since 07.01.2023, this Court is inclined to extend him the privilege of bail with conditions.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Sadar, Motihari, East Champaran, in connection with Chhatauni P.S. Case No. 544 of 2022 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/her 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 month for one year to mark his 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 the 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.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Guddu/-

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

