

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24493 of 2024

Arising Out of PS. Case No.-130 Year-2023 Thana- KISHANGANJ District- Kishanganj

Md. Kaish @ Kaish son of Jamruddin @ Zamruddin, Vill- Dharamganj Miya Basti, Ward no. 28, PS- Kishanganj, District- Kishanganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance:

For the Petitioner : Mr. Ram Prawesh Kumar, Advocate
For the Opposite Party : Ms. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-04-2024 Heard Mr. Ram Prawesh Kumar, the learned counsel for the petitioner and Ms. Asha Kumari, the learned Additional Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since 07.06.2023 in connection with Sessions Trial No. 232 of 2023, arising out of Kishanganj P.S. Case No. 130 of 2023, FIR dated 28.03.2023, registered for the offences punishable under Sections 413 and 414 read with Section 34 of the Indian Penal Code.

3. According to the prosecution case, in the course of patrolling, informant received information regarding buying and selling of stolen goods and accordingly reached at the place of occurrence and upon seeing the police, seven to eight people managed to flee while one Gopal Rai was apprehended. It is



further alleged that altogether one hundred and ninety-six goods were recovered from the alleged place. It is further alleged that upon disclosure made by apprehended Gopal Rai, police also raided the houses of Nehal Kumar Rai and Raj Sharma and recovered various articles.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case and his name has transpired on the basis of disclosure made by co-accused person namely, Gopal Rai and except the aforesaid no other cogent material has come during investigation which suggests the involvement of the petitioner in the present occurrence and till date no *Test Identification Parade* has been done by the prosecution. He further submits that the co-accused person namely, Kadir Perwez @ Kadir has been granted regular bail by this Court vide order dated 14.09.2023 passed in Cr. Misc. No. 58617 of 2023 and the co-accused persons namely, Gopal Ray and Nehal Kumar Ray and another have also been granted regular bail by different Benches of this Court vide orders dated 13.12.2023 and 17.02.2024 passed in Cr. Misc. No. 80078 of 2023 and Cr. Misc. No. 7588 of 2024 respectively. He lastly submits that the police after investigation has submitted chargesheet against the petitioner and the petitioner is in judicial



custody since 07.06.2023.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that petitioner is named in the FIR and apart from that the petitioner carries one criminal antecedent other than the present one, however, he fairly admits that petitioner is on bail in the pending matter.

6. Considering the aforesaid facts and circumstances and the fact that name of petitioner has transpired on the basis of disclosure made by co-accused person namely, Gopal Rai and the said Gopal Rai along with other co-accused persons have been granted regular bail by different Benches of this Court, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-I, Kishanganj, in connection with **Kishanganj P.S. Case No. 130 of 2023**, subject to the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on his absence on two consecutive dates without



sufficient reason, his bail bond shall be cancelled by the trial Court.

(ii). 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.

(iii). And further condition that the trial Court 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 trial Court 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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