

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22933 of 2024

Arising Out of PS. Case No.-219 Year-2022 Thana- RIGA District- Sitamarhi

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Guddu Ram @ Guddu Kumar S/o Suresh Ram R/o vill - Kharua Chainpur,
P.S. - Kundwa Chainpur, Distt. - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Priyesh Kumar

For the Opposite Party/s : Mr. Narsingh Tanti

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 21-06-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Riga P.S.
Case No. 219/2022 registered for the offences punishable under
Sections 392 of the Indian Penal Code.

3. As per prosecution case, it is alleged that three
unknown miscreants came on pulsar motorcycle in question and
snatched Rs.1,45,000/- from the informant. It is further alleged
that they also took away a sum of Rs.20,000/- from the possession
of nozzle man. Thereafter, the miscreants fled away by the
motorcycle in question. Hence, FIR was lodged against three
unknown persons who has used the pulsar motorcycle in question.

4. Learned counsel for the petitioner submits that
petitioner is quite innocent and has committed no offence as
alleged in the FIR and he has falsely been implicated in this case.



The petitioner has been remanded in this case on 27.06.2023 from Kundawachainpur P.S. Case No. 133/2022 and since then he is languishing in jail custody. The petitioner bears criminal antecedent of six cases and learned counsel for the petitioner orally submits that in all cases he is on bail. No incriminating article has been recovered from the conscious possession of the petitioner. It is further submitted that the petitioner is not named in the FIR and his name has been surfaced on the basis of confessional statement of co-accused Guddu Kumar. Except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of the petitioner with the alleged occurrence. The petitioner is not apprehended on the spot and no TIP was conducted uptill now. He further submits that the petitioner has been made accused in one case after another in a routine manner just because of criminal antecedent. He further submits that on similar and identical allegation, co-accused Vishal Kumar has already been granted bail by this Court vide Cr. Misc. No.77046/2023 and on the principle of parity, the petitioner also deserves same treatment.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, co-accused has already been granted bail and



argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named 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 A.C.J.M.-VI, Sitamarhi in connection with B.P. No.1347/2023 arising out of Riga P.S. Case No. 219/2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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