

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24306 of 2024

Arising Out of PS. Case No.-296 Year-2023 Thana- KUDRA District- Kaimur (Bhabua)

Suresh Prasad @ Suresh Kumar Chaurasiya son of Ashok Chaurasiya Vill-
Lakhnu sarai, Ps- Sasasram Town Dist- Rohtas

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uma Shankar Singh
For the Opposite Party/s : Mr.Choubey Jawahar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 10-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Kudra
P.S. Case No. 296/2023 registered for the offence punishable under
Section 394 of the I.P.C. and Section 27 of the Arms Act.

3. As per prosecution case, when informant was
returning to his house from his shop, on the way, three unknown
miscreants snatched two pieces of gold chain, two pieces of gold
rings, three pieces of earrings, two pieces of *Jhala*, sixteen gram of
solid gold and Rs. 50,000/- and fled away from the place of
occurrence.



4. Learned counsel for the petitioner submits that petitioner is not named in FIR . The name of the petitioner has been surfaced in this case on the basis of suspicion because petitioner has criminal antecedent of 12 cases out of which he is on bail in eleven cases. He further submits that from the perusal of FIR, it is clear that there is no description of motorcycle which is said to have been indulged in commission of alleged occurrence of loot. He further submits that the FIR is said to have been registered on 09.08.2023 and seizure list is said to have been made on 21.08.2023 where it is said that Rs. 6,000/- was said to have been recovered from the possession of the petitioner. He further submits that the money which is said to have been recovered from the possession of the petitioner belongs to him and he is not in any way connected with the alleged occurrence. He further submits that petitioner has been roped in one case after another in a routine manner as he is having series of criminal antecedents. Moreover, petitioner is in custody since 22.08.2023. Charge sheet has already been submitted in the present case and there is no likelihood of tampering with the prosecution evidence. He further submits that it is clearly mentioned in F.I.R. that all the miscreants has covered their face by mask and hence, there is no question of identification of the petitioner through CCTV Footage. Co-accused Pradeep Seth @ Pradeep Kumar Seth has already been granted bail by this Court vice



Cr. Mics. No. 74892 of 2023 and the case of present petitioner is identically same and on the basis of principle of parity, he also deserves bail.

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, charge sheet has already been submitted in the present case and there is no likelihood of tampering with the prosecution evidence, 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 bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of J.M. Ist Class, Mohaniya, Kaimur in connection with Kudra P.S. Case No. 296/2023, 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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