

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32052 of 2024

Arising Out of PS. Case No.-139 Year-2022 Thana- MORKAHI District- Khagaria

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Golu Kumar @ Vivek Kumar @ Vivek Yadav Son of Sanjiv Yadav @ Sanjiv Kumar Yadav Resident of village - Pirrahi, P.S. - Alauli, Dist.- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Mukesh Kumar, Advocate
For the Opposite Party/s : Mr.Ramchandra Sahni, APP

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 26-04-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Morkahi P.S. case No. 139 of 2022 instituted for the offences under Section 392 of the Indian Penal Code and Section 27 of the Arms Act.

3. Prosecution case, in short, is that two bike borne unknown miscreants intercepted the informant and looted a bag containing cash amounting to Rs. 1,34,000/- and a mobile



phone. It is also alleged that one of the accused persons also opened fire upon the informant but the bullet did not hit him.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Petitioner is not named in the F.I.R. The name of the petitioner transpired in this case during investigation on the basis of confessional statement of the co-accused Guddu Kumar. No incriminating/looted article has been recovered from the conscious possession of the petitioner. Learned counsel further submitted that petitioner has got no concern with the looted article. Except confessional statement of the co-accused person, there is no material against this petitioner. It has been submitted on behalf of the petitioner that the petitioner is in custody since 15.01.2023 and has seven criminal antecedents.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail 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 Morkahi P.S. case
No. 139 of 2022, subject to the following conditions:

(I) One of the bailors shall be own/close member of
the family of the petitioner.

(II) The petitioner shall appear on each and every date
fixed at the trial. In case of default in such appearance on two
consecutive dates, the Trial Court will have liberty to cancel the
bail bonds of the petitioner.

(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.

(Rudra Prakash Mishra, J)

Alok Verma/-

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