

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33161 of 2024

Arising Out of PS. Case No.-67 Year-2023 Thana- KOTHI District- Gaya

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Gautam Kumar Son of Harendra Prasad @ Harendra Paswan Village-
Barakala PS- Kothi Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh, Advocate

For the Opposite Party/s : Mr.Anand Kishore Choudhary, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 29-04-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail in Kothi P.S. case No.

67 of 2023 instituted for the offences under Section 392 of

the Indian Penal Code.

3. Prosecution allegation, in short, is that when the

informant was coming on his motorcycle and reached near

bridge of Barakala Road, three unknown persons

intercepted him and snatched Rs. 1,64,000/- and a mobile

from him.

4. Learned counsel for the petitioner submits that

the petitioner is innocent and has falsely been implicated in



the present case. The petitioner is not named in the F.I.R. The name of the petitioner has transpired on the basis of confessional statement of co-accused Kamta Kumar which has no evidentiary value. It is alleged that Rs. 38,000/- has been recovered from the petitioner for which the petitioner states that the same belongs to him. The petitioner has not been put on Test Identification Parade to ascertain his participation in the alleged occurrence. The petitioner has no concern with the said recovered motorcycle. Charge-sheet has been submitted in this case. The petitioner is in custody since 24.06.2023 and has two criminal antecedents in which he is on bail. Co-accused has been granted bail by this Bench vide order dated 21.02.2024 passed in Cr. Misc. No. 10345 of 2024.

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, the period of custody undergone by the petitioner and the claim based on parity, 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 Kothi P.S. case No. 67 of 2023 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.

(Rudra Prakash Mishra, J)

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