

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30563 of 2024

Arising Out of PS. Case No.-89 Year-2019 Thana- GAYA MUFASIL District- Gaya

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Jitu Kumar @ Jitendar Kumar, Son Of Ashok Prasad, Resident Of Village-
Gandhinagar, Ps- Moffasil, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Advocate

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 21-06-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Muffasil P.S. Case No. 89 of 2019, registered for the alleged offences under Sections 394 of the Indian Penal Code.

3. As per prosecution case, the informant was robbed of his belonging by four youths on gun point and when the informant resisted, one of the miscreants struck him with stone causing injuries to him. The name of the petitioner transpires during investigation as one of the miscreants.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was not apprehended from the spot and



nothing incriminating has been recovered from his possession. The petitioner was never put to any Test Identification Parade and merely on suspicion he has been arraigned in this case. The local *Chowkidar* disclosed the name of the petitioner as one of the accused persons. The petitioner is having criminal antecedent of two cases but he is on bail in those cases. Other co-accused persons have been granted bail by this Court and different Co-ordinate Benches. The petitioner is in custody since 28.01.2024 and charge sheet has been submitted.

5. Learned A.P.P. opposes the prayer for bail.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the lack of substantive material against the petitioner to connect him with the offence as alleged and also considering the period of custody of the petitioner along with submission of charge sheet, the petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-1, Gaya/ court concerned, in connection with Muffasil P.S. Case No. 89 of 2019, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :



- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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