

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37294 of 2024

Arising Out of PS. Case No.-678 Year-2022 Thana- SONEPUR District- Saran

Govinda Kumar Son of Deva Shankar Roy R/O Vill.- Sabbalpur Hasti Tola,
P.S.- Sonpur, Dist.- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rajani Kumari, Advocate

For the Opposite Party/s : Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-06-2024 Heard Ms. Rajani Kumari, learned counsel for the

petitioner and Mr. Arun Kumar Singh, learned Additional Public

Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
14.08.2023 in connection with Sonpur P.S. Case No. 678 of
2022, F.I.R. dated 06.09.2022 for the offences punishable under
Section 394 of the Indian Penal Code.

3. According to prosecution case, two miscreants
intercepted the informant and on the point of weapon they
looted informant's mobile and other articles.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. She further submits that the petitioner is not named
in the F.I.R and the name of the petitioner has been transpired



during investigation on the basis of the confessional statement of the co-accused person, namely, Raushan Kumar and except the aforesaid no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. She further submits that nothing has recovered from the conscious possession or the house of the petitioner and till date no T.I.P. has been conducted by the prosecution. She further submits that the police after investigation submitted the charge sheet against the petitioner. She further submits that similarly situated, co-accused, namely, Raushan Kumar who has confessed the name of the petitioner has been granted bail by this Court vide order dated 21.07.2023 passed in Cr. Misc. No. 27781 of 2023. The petitioner is in custody since 14.08.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that it has come during investigation that the petitioner was involved in the present crime in question and apart from that the petitioner carries 14 criminal antecedents other than the present one.

6. Considering the aforesaid facts and circumstances that the petitioner is not named in the F.I.R and the name of the



petitioner has been transpired on the basis of confessional statement of the co-accused person and the said co-accused has been granted bail by this Court, let the petitioner, above named, 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 the learned Additional Chief Judicial Magistrate VIII, Saran at Chapra in connection with Sonpur P.S. Case No. 678 of 2022, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order



shall not be delayed for purpose of or in the name of
verification.

(Rajesh Kumar Verma, J)

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