

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45527 of 2024

Arising Out of PS. Case No.-216 Year-2021 Thana- KHAGARIA District- Khagaria

Golu Kumar @ Vivek Kumar S/O Sanjeev Yadav @ Sanjeev Kumar Yadav
R/O Village Pirrahi, P.S. Alauli, Distt-Khagaria

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Adv
For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 20-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Khagaria (Chitragupta Nagar) P.S. Case No. 216/2021 lodged
on 10.03.2021 under Section ,356 and 379 of the Indian Penal
Code.

3. As per the prosecution case, F.I.R. has been lodged
against four named accused persons including the present
petitioner against whom there is an allegation that they have
snatched Rs. 5,00,000/- from a vehicle in which the informant
was sitting.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
also submits that that the name of the petitioner has been figured



in this case only by virtue of confessional statement of the accused. Counsel further submits that the criminal antecedent of the petitioner is not clean and there are seven cases pending against him in which he is on bail. The petitioner is in custody since 08.06.2023. Counsel further submits that nothing incriminating has been recovered from the possession of the petitioner nor he was put on TIP. Counsel also submits that the case is of Magestrial Triable.

5. Counsel for the petitioner submits that the other accused persons have been granted bail vide order dated 31.01.2024 passed in Cr. Misc. No. 2897/2024 and vide order dated 30.11.2023 passed in Cr. Misc. No. 75920 of 2023.

6. Learned APP for the State opposes the prayer for bail and submits that antecedents of the petitioner shall be taken into consideration at the time of granting bail.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named by granted bail after framing of charge, if the charge is not framed yet and on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Khagaria in connection with Khagaria (Chitragupta Nagar) P.S.



Case No. 216/2021 subject to the condition laid down under Section 437(3) of the Cr.P.C. as well as the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

8. However, the petitioner shall be granted bail only on being satisfied by the Trial Court that the petitioner is not absconding in any of the cases pending against him whose



details are as follows:-

- Alauli P.S. Case No. 225/2019
- Alauli P.S. Case No. 247/2019
- Alauli P.S. Case No. 240/2019
- Alauli P.S. Case No. 173/2019
- Alauli P.S. Case No. 256/2019
- Alauli P.S. Case No. 210/2019
- Khagaria (Chitragupt Nagar) P.S. Case No. 753/2021.

(Dr. Anshuman, J)

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