

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48661 of 2024

Arising Out of PS. Case No.-45 Year-2012 Thana- BEUR District- Patna

Gorakh Prasad @ Dharmveer Prasad @ Gorakh @ Dharmveer S/o Suresh
Yadav R/o Village-Khajama, P.S.-Masaurhi, District-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Adv.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 18-09-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail, who is in custody in connection with Beur P.S. Case No. 45 of 2012 initially registered for the offence punishable under Section 396 of the Indian Penal Code and later on Section 412 of the I.P.C. was added.

3. Based upon the *fardbeyan* of the informant, the prosecution alleges that in the fateful night of 15.04.2012, altogether seven criminals entered into the house of the informant and committed dacoity. They also entered in the house of his neighbour Manoj Sharma and shot him dead. They also caused injury to his daughter.

4. Learned counsel for the petitioner contended that



the FIR has been instituted against unknown miscreants. However, after eleven years of the occurrence, the petitioner was arrested and thereafter charge-sheet has been submitted against him vide charge-sheet no. 38/24 dated 26.01.2024 under Sections 396 and 412 of the Indian Penal Code. Neither any incriminating looted article has been recovered nor the petitioner has been put on T.I. parade. It is further contended that on account of past criminal antecedent of identical nature, the name of the petitioner has been implicated in this case. It is also contended that one of the co-accused persons, namely, Amarjeet Kumar, whose name has also been implicated in this case on account of suspicion, has been allowed the privilege of bail by this Court vide order dated 06.10.2018 passed in Cr. Misc. No. 60531 of 2018 (Annexure-4).

5. On the other hand, learned counsel for the State vehemently opposed the bail application and drawing the attention of this Court to the impugned order submitted that the stolen articles including utensils and looted sarees were seized from the house of the petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that neither the recovered articles have been put on T.I. parade nor there is any



identification by the informant and other persons, coupled with the delay in filing of the charge-sheet and there is no other material suggesting complicity of the petitioner in the present crime, let the petitioner, named above, 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 learned A.C.J.M.-VIII, Patna in connection with Beur P.S. Case No. 45 of 2012, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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