

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48706 of 2024

Arising Out of PS. Case No.-46 Year-2024 Thana- AMDABAD District- Katihar

Gulab Khan son of Haidar Khan Village- Karballa Tola Bairiya Ps- Amdabad
Dist- Katihar

... .. Petitioner/s
Versus
The State of Bihar

... .. Opposite Party/s

Appearance :
For the Petitioner/s : Mr. Pankaj Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 18-09-2024 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Amdabad P.S. Case No. 46 of 2024,
registered for the offence punishable under Section 392 of the
Indian Penal Code.

3. While the informant was returning along with his
colleague after collecting amount from the group collection, in
the meantime, two persons came on a splendor motorcycle
without number, overtook their motorcycles and tried to snatch
the bag containing the cash on the point of knife. On protest
being made by the informant, all the miscreants started
assaulting them by means of butt of the pistol and snatched
away the cash to the tune of Rs. 4,97,000/-, Rs. 22,000/- and Rs.



4,000/- from their possession along with the mobile.

4. Learned Advocate for the petitioner contended that the FIR has been instituted against unknown miscreants. However, during the course of investigation, the petitioner was apprehended but only on account of suspicion. The impugned order suggest that there has been a recovery of glamour motorcycle as also one mobile phone from the possession of the petitioner, which is said to have been used for the purposes of crime; but the same is an error of record.

5. Adverting to the aforesaid facts, learned Advocate for the petitioner drew the attention of this Court to the FIR and submitted that the three motorcycles, which were used by the miscreants, they were- super splendor, pulsar and the splendor. There is no whisper with regard to the glamour motorcycle. Moreover, the mobile which is said to have been recovered from the possession of the petitioner is of without any sim and the same has never been put on TIP, as to whether it is subject matter of crime or not. The petitioner has been incarcerated since 04.04.2024, and now the investigation of the crime is complete and the charge-sheet has been submitted, but without putting the petitioner on TIP.

6. On the other hand, learned APP for the State



vehemently opposes the bail application and submits that the recovery from the possession of the petitioner shows his involvement in the crime.

7. Regard being had to the submissions made on behalf of the parties and considering the fact that crime, in question, is triable by the Magistrate and the motorcycle, which has been recovered from the possession of the petitioner *prima facie* does not appear to be used for the purposes of crime, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Katihar in connection with Amdabad P.S. Case No. 46 of 2024, 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.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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