

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48037 of 2024

Arising Out of PS. Case No.-416 Year-2023 Thana- GOPALPUR District- Bhagalpur

Suraj Kumar Son Of Nagendra Sah Resident of village- singhiya Makandpur
Ps -Gopalpur Dist -Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Singh

For the Opposite Party/s : Mr.Harendra Prasad

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 05-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Gopalpur P.S. Case No.
416 of 2023, instituted for the offences punishable under
Section 392 of the Indian Penal Code.

3. The prosecution case, in short, is that, three
unknown persons boarded on a motorcycle looted mobile phone
and scooty of the informant on the point of pistol.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from
the conscious possession of the petitioner. Learned counsel for
the petitioner also submits that the petitioner is not named in the



F.I.R., name of the petitioner has transpired on the basis of confessional statement made by co-accused Ravi Kumar which has no evidentiary value. No T.I.P has been conducted in this case. The looted articles were recovered from the possession of co-accused persons and not from the possession of the petitioner. The petitioner is in custody since 30.08.2023 and has got three criminal antecedents in which the petitioner is on bail in two cases. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted bail by a Co-ordinate Bench of this Court vide order dated 05.03.2024 passed in Cr. Misc. No. 81584 of 2023 and has been granted bail by this Court vide order dated 19.01.2024 passed in Cr. Misc. No. 33 of 2024.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, taking into account the period of custody undergone by the petitioner and claim based on parity, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner 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 Court



below/concerned Court in connection with Gopalpur P.S. Case No. 416 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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