

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50508 of 2024

Arising Out of PS. Case No.-3 Year-2024 Thana- Ghogha District- Bhagalpur

=====

Goutam Kumar @ Gautam Kumar @ Gouttam Kumar son of Late Prasadi
Ravidas Village- Chaichak Mamalkha, PS- Sabour Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ashok Kumar No.6, Adv.

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-07-2024 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 Ghogha P.S. Case No. 3 of 2024 registered
for the offence punishable under Section 395 of the Indian Penal
Code.

3. While the informant and his brother were coming
on a motorcycle, in the meantime, 6-8 unknown miscreants
surrounded them and started assaulting with lathi and danda. It
is also alleged that the co-accused persons snatched their mobile
phone and other valuables worth Rs. 6000-7000.

4. Learned counsel for the petitioner referring to the
FIR, firstly contended that the occurrence took place on
05.01.2024 but the present FIR has been instituted on



04.03.2024 without there being any explanation of delay. It is further contended that the FIR has been instituted against unknown miscreants, however, during the course of investigation, on the basis of IMEI tracking, the mobile phone which was the subject matter of crime has been recovered from the possession of the petitioner and thus his name has been implicated. Adverting to the aforesaid fact, it is further contended that, in fact, the alleged recovered mobile was purchased by the petitioner from a co-villager on payment of certain amount and he was not knowing that the mobile phone was a stolen/looted property. It is also the contention of the petitioner that despite incarceration of the petitioner since 07.03.2024, till date he has not been put on T.I. parade as to whether he was one the accused who participated in the crime. It is lastly contended that the petitioner is a man of fair antecedent and now after completion of the investigation, the charge-sheet has been submitted.

5. On the other hand, learned counsel for the State vehemently opposed the bail application and submitted that the looted mobile phone has been recovered from the possession of the petitioner.

6. Regard being had to the submissions made on



behalf of the parties and considering the submission of the petitioner noted hereinabove as also the fact that till date the petitioner has not been put on T.I. parade, coupled with the fair antecedent and the period of custody, 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 Chief Judicial Magistrate, Bhagalpur in connection with Ghogha P.S. Case No. 3 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)

rohit/-

U		T	
---	--	---	--

