

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62869 of 2024

Arising Out of PS. Case No.-338 Year-2023 Thana- MOHIUDDIN NAGAR District-
Samastipur

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Saurav Kumar @ Rahul @ Gulfa @ Chotkha S/O- Kamlesh Pandit, R/o
Mohalla- Maniyar, Ward No-7, Mohamdipur, PS- Mohiuddin Nagar, Dist-
Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Kedar Jha, Advocate
For the Opposite Party : Mr. Bhanu Pratap, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 3 18-10-2024 Heard Mr. Kedar Jha, the learned counsel for the

petitioner and Mr. Bhanu Pratap, the learned Additional Public

Prosecutor for the State.
2. Petitioner seeks regular bail who is in custody since

02.05.2024, in connection with Mohiuddin Nagar P.S. Case No.

338 of 2023, FIR dated 11.12.2023, registered for the offence

punishable under Section 395 of the Indian Penal Code.
3. According to the prosecution case, five to six

unknown persons, variously armed, entered into the house of the

informant late at night, put his family members in fear and looted

various articles and fifteen *bhar* gold worth Rs. 8,00,000/- (Rupees

eight lakhs only) and left.
4. Learned counsel for the petitioner submits that

petitioner has falsely been implicated in the present case and he is



not named in the FIR and his name transpired during investigation on the basis of confessional statement of the co-accused person namely, Subodh Kumar. He further submits that nothing has been recovered from the conscious possession or house of the petitioner and case of prosecution is frivolous. He lastly submits that the police after investigation has submitted charge sheet against the petitioner and petitioner is in custody since 02.05.2024.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that on the basis of confessional statement of the co-accused person namely, Subodh Kumar, the looted articles have been recovered from other co-accused persons. Apart from that, the petitioner carries one criminal antecedent other than the present.

6. Considering the aforesaid facts and circumstances and mainly the facts that petitioner is not named in the FIR and his name transpired during investigation on the basis of confessional statement of the co-accused person and nothing has been recovered from the conscious possession or house of the petitioner, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Samastipur, in connection with



Mohiuddin Nagar P.S. Case No.338 of 2023, subject to the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the learned trial Court 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 learned trial Court shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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