

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69651 of 2024

Arising Out of PS. Case No.-235 Year-2023 Thana- PATEPUR District- Vaishali

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Guddu Kumar Son of Madan Sahni R/O Vill.- Chandpura Baligaon, P.S.-
Baligaon, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Bela Singh, Advocate

For the Opposite Party/s : Mr. Mohammad Sufyan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 04-10-2024 Heard Mrs. Bela Singh, learned counsel for the

petitioner and Mr. Mohammad Sufyan, learned A.P.P. for the

State.

2. The petitioner seeks bail, who is in custody since
02.03.2024, in connection with Patepur P.S. Case No. 235/23,
FIR dated 02.10.2023 for the offences punishable under Section
392 of the Indian Penal Code.

3. The FIR of the occurrence of loot is against
unknown.

4. Learned counsel for the petitioner submits that
the petitioner is innocent and he has falsely been implicated in
the present case. He further submits that the petitioner is not
named in the FIR, the name of the petitioner has been transpired
during the investigation on the basis of the confessional



statement of the co-accused person, namely, Rajan Kumar Choudhary which was recorded in Patepur P.S. Case No. 240 of 2023 in which he confessed his guilt as well as involvement of the petitioner in the present occurrence. He further submits that till date no TIP has been conducted by the prosecution. He further submits that nothing has been recovered from the conscious possession of the petitioner. He further submits that the co-accused person, namely, Rajan Kumar Choudhary has been granted bail by this Court vide order dated 18.09.2024 passed in Cr. Misc. No. 42280 of 2024. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 02.03.2024.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one but fairly submits on the basis of the paragraph no.3 of the bail petition that the petitioner is on bail in all the pending matters.

6. Considering the aforesaid facts, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount



each to the satisfaction of learned Additional Chief Judicial Magistrate-XIII, Vaishali at Hajipur in connection with Patepur P.S. Case No. 235 of 2023 with the following conditions:-

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

(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.

And, further condition that 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 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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