

Arising Out of PS. Case No.-132 Year-2018 Thana- GAYA MUFASIL District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satish Kumar Sinha

For the Opposite Party/s : Mr. Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-12-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in a case registered for the offence punishable under Section 394 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that petitioner has antecedent of 10 cases and is in custody since 19.05.2024 and the informant alleges that while he was coming to his house after closing his jewellery shop and when he reached near the flour mill at Lakhibag when four persons intercepted him and snatched his two ATM Cards and Rs. 4,000/- from his pocket and also assaulted him with butt of pistol causing injury on his head.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case based



on confessional statement of co-accused Vicky. It is next submitted that police deliberately got the petitioner implicated in the instant case through Vicky because of his antecedents. It is also submitted that charges against the petitioner have been framed and the petitioner will not abscond rather will cooperate in the trial to prove his innocence about his false implication.

5. Learned A.P.P. for the State, Mr. Chandra Bhushan Prasad, opposes the bail application and submits that petitioner has antecedent of 10 cases and if privilege of bail is granted to the petitioner, the petitioner may abscond. It is also submitted that though it has been submitted that charges against the petitioner has been framed, but then the same is not pleaded in the bail application.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, be released on bail on furnishing bail bonds of Rs. 50,000/- (Rupees Fifty Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Muffasil P.S. Case No. 132 of 2018.

7. One of the bailors of the petitioner shall be his brother, Abhay Kumar.



8. However, it is made clear that the learned Trial Court before accepting the bail bonds of the petitioner shall verify the fact that as to whether charges against the petitioner have been framed or not and in the event if it is found that charges against the petitioner have not been framed in that event, the present bail order shall not be given effect to.

9. It is further made clear that if charges against the petitioner have been framed in that event the bail bonds of the petitioner shall be accepted forthwith, but if the learned Trial Court comes to a conclusion that petitioner after his release is trying to delay the trial in any manner in that event the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioner forthwith after recording reasons.

(Satyavrat Verma, J)

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