

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74892 of 2023

Arising Out of PS. Case No.-296 Year-2023 Thana- KUDRA District- Kaimur (Bhabua)

=====

PRADEEP SETH @ PRADEEP KUMAR SETH Son of Shree Rajeshwar
Seth Resident of village - Kudra, P.S.- Kudra, District - Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Rajani Kant Pandey

For the Opposite Party/s : Mr.Mithlesh Kumar Khare

=====

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 30-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Kudra
P.S. Case No. 296 of 2023 registered for the offences punishable
under Sections 394 of the IPC and Section 27 of the Arms Act.

3. As per prosecution case, informant was returning to
his home from his shop and on the way, three unknown miscreants on
the point of gun looted away 2 pieces of gold chain, 2 pieces of gold
ring, 3 pieces of earring, 2 pieces of *jhala*, 16 gram of solid gold and
Rs. 50,000/- and fled away from the spot.

4. Learned counsel for the petitioner submits that
petitioner is in custody since 22.08.2023 and bears no criminal
antecedent. Charge sheet has been submitted in the case and there is
no likelihood of tampering with the prosecution evidence. He further
submits that petitioner is not named in the FIR and his name has been



transpired in the case upon the confessional statement of co-accused Subash Yadav. Except confessional statement of co-accused Subash Yadav, there is nothing on record to demonstrate the complicity of petitioner with the alleged occurrence. Learned counsel has filed supplementary affidavit in which it has been stated that petitioner runs a shop of jewellery and other items and from the perusal of the entire prosecution case, the prosecution has not seized any stolen article. Nothing has been recovered from the conscious possession of the petitioner. The alleged recovery was shown from the *sasural* of the petitioner and the allegation in the FIR is that 16 gram of solid gold was snatched but the alleged recovery is 5.20 gram of solid gold which does not match with the quantity mentioned in the FIR. He further submits that petitioner is not in any way connected with the alleged occurrence. Petitioner is quite innocent and has falsely been implicated in the case.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand)



with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st, Mohania, Kaimur at Bhabua in connection with Kudra P.S. Case No. 296 of 2023 , subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

vashudha/-

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

