

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 79166 of 2024

Arising Out of PS. Case No.-187 Year-2022 Thana- CHARPOKHARI District- Bhojpur

Bhola Kumar @ Bhola Yadav @ Bhola Kumar Yadav S/o- Keshwar Yadav
RO village- Chaprapur PS-Narayanpur District-Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shantam Shivam, Adv.

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-11-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Charpokhari P.S. Case No. 187 of 2022 registered for the
offences punishable under Section 392 of the Indian Penal
Code.

3. As per prosecution case, the informant's truck,
Rs. 52,000/- mobile and paper of vehicle were taken away by
unknown miscreants. All the miscreants were aged about 25-30
and F.I.R. has been lodged against unknown.

4. Learned counsel for the petitioner submits that
petitioner is not named in the F.I.R. The name of petitioner has
been surfaced upon the confessional statement of co-accused
Govind Kumar. Except confessional statement of aforesaid co-

accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. No T.I.P. was conducted. Petitioner himself surrendered in connection with Piro P.S. Case No. 18 of 2023 on 03.01.2024 and he is remanded in the present case from the said case on 12.01.2024 and since then, he is in custody. Charge-sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. No incriminating article has been recovered from the possession of the petitioner. Co-accused Govind Kumar, upon whose confessional statement, the name of petitioner has been surfaced, has already been granted bail by this Court vide Cr. Misc. No. 28578 of 2024 and the case of present petitioner stands on better footing and hence, he also deserves bail.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that petitioner bears criminal antecedent of one case which is of similar nature.

6. Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of the parties, co-accused has already been granted bail by this Court 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 Chief Judicial Magistrate, Bhojpur at Ara in connection with Charpokhari P.S. Case No. 187 of 2022, G.R. No. 5421 of 2022, 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 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.)

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