

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84319 of 2023**

Arising Out of PS. Case No.-309 Year-2022 Thana- KUCHAIKOTE District-
Gopalganj

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DURGESH PATEL SON OF DINANATH PATEL R/O VILLAGE- JHARWA
DOMATH, P.S.- TAREYA SUJAN, DIST.- KUSHINAGAR (U.P.)

... .. Petitioner/s

Versus

The State of Bihar PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ramadhar Shekhar

For the Opposite Party/s : Mr.Nawal Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-01-2024 Heard Mr. Ramadhar Shekhar, learned counsel for the

petitioner and Mr. Nawal Kishore Prasad, learned A.P.P. for the

State.

The petitioner apprehends his arrest in connection
with Kuchaikote P.S. Case No.309 of 2022 dated 09.07.2022
registered for the offence under Sections 392 of the Indian Penal
Code.

Four miscreants are alleged to have snatched the key of
Bolero vehicle of the informant on the point of weapons.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that the petitioner has not been
named in the F.I.R. but his name transpired in this case on the
confessional statement of the co-accused, Jahagir Ansari. Save



and except the confessional statement of the co-accused, no cogent material has surfaced during course of investigation suggesting the involvement of the petitioner in the alleged occurrence. Moreover, co-accused, Jahangir Ansari and Satyendra Kumar Pandey @ Satyendra Pandey have already been granted bail by co-ordinate Benches of this Court vide order dated 28.02.2023 and 04.08.2023 passed in Cr. Misc. No. 69472 of 2022 and Cr. Misc. No. 43701 of 2023 respectively.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that petitioner carries two more cases other than the present one but according to paragraph-3 of the petition, the petitioner has been allowed bail in both the cases.

Considering the facts and circumstances of the case, let the, above named, petitioner, in the event of his arrest or surrender before the court below within a period of four weeks, 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 A.C.J.M.-2, Gopalganj in connection with Kuchaikote P.S. Case No. 309 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with the following conditions:-

(1) 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.

(2) 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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