

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85445 of 2024

Arising Out of PS. Case No.-163 Year-2024 Thana- SIMRI District- Darbhanga

Govind Kumar S/O Shiv Narayan Yadav R/O Village- Ekdara, P.S- Khutauna
District- Madhubani

... .. Petitioner/s

Versus

The state of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Sharma

For the Opposite Party/s : Mr.Pramod Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 13-12-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Simri P.S.
Case No. 163 of 2024 registered for the offences punishable under
Sections 310(4), 310(5) and 317(5) of BNS.

3. As per prosecution case, on the basis of secret
information, police apprehended three co-accused persons namely
Shravan Kumar, Rishikesh Kumar and Sanjeev Kumar who were
planning to commit dacoity and they disclosed the name of petitioner
and others who fled away from the place of occurrence.

4. Learned counsel for the petitioner submits that
petitioner is in custody 27.08.2024 and bears criminal antecedent of
one case. Charge sheet has been submitted in the case and there is no
likelihood of tampering with the prosecution evidence. He further
submits that nothing has been recovered from the conscious



possession of the petitioner. Petitioner is quite innocent and he has falsely been implicated in the case. He further submits that petitioner is not apprehended on the spot. Except disclosure of co-accused, there is nothing on record to connect the petitioner with the alleged occurrence. It is further submitted that co-accused, Sanjeev Kumar, who was apprehended on the spot has already been granted bail by this Court vide Cr. Misc. No. 70747 of 2024 and the case of present petitioner stands on better footing.

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, co-accused has already been granted bail, 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 Chief Judicial Magistrate, Darbhanga in connection with Simri P.S. Case No. 163 of 2024, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife of 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/-

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