

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.998 of 2024

Arising Out of PS. Case No.-244 Year-2021 Thana- DUMARIAGHAT District- East
Champanan

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Guddu Alam, Son Of Ali Miya Village -HATHUA, (HARKHUWA), Ps-
Gopalganj, District -GOPALGANJ

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yashraj Bardhan, Adv.

For the Opposite Party/s : Mr. Meena Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 18-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Dumaria Ghat P.S. Case No. 244 of 2021, lodged on 06.12.2021
under Section 392 of the Indian Penal Code.

3. As per the prosecution case, the FIR has been
lodged against three unknown accused persons against whom
there is an allegation of taking away pick-up van of the
informant.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
also submits that name of the petitioner has been figured in this
case only by virtue of confessional statement of the co-accused
namely Vishal Kumar. Counsel further submits that the said
recovery has been made not from the possession of the
petitioner rather, from the possession of the Vishal Kumar.



5. Learned counsel for the petitioner submits that at the time of passing the rejection order, a mistake has taken place by the Court considering that bail application of the petitioner in Cr. Misc. No. 26265 of 2022 has been rejected by this Hon'ble Court, whereas, the said bail application was not of the petitioner rather, it is of co-accused namely Himanshu Kumar. Counsel further submits that he has produced the web copy of the order for perusal before this Court.

6. From the perusal of the web copy of the order dated 22.08.2022 passed in Cr. Misc. No. 26265 of 2022, it appears that this is the bail application of Himanshu Kumar and not of the present petitioner.

7. Counsel also submits that there are three criminal cases pending against the petitioner in which he is on bail. The petitioner is in custody since 05.01.2022. Learned counsel for the petitioner further submits that charge has already been framed and out of 10 witnesses, only 5 witnesses have been examined.

8. Learned APP for the State opposes the prayer for bail of the petitioner.

9. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount



each to the satisfaction of learned Additional Sessions Judge-XI, East Champaran at Motihari in connection with Dumaria Ghat P.S. Case No. 244 of 2021, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J.)

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