

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2897 of 2024

Arising Out of PS. Case No.-216 Year-2021 Thana- KHAGARIA District- Khagaria

Guddu Kumar Son Of Ramjapo Yadav Resident Of Village- Sukhasan, P.S.-
Baithan, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 31-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Khagaria (Chitragupt Nagar) P.S. Case No. 216 of 2021, lodged
on 10.03.2021 under Sections 379/356 of the Indian Penal Code.

3. As per the prosecution case, FIR has been lodged
against unknown accused persons against whom there is an
allegation that they have snatched Rs.5,00,000/- from a vehicle
in which the informant was sitting.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
also submits that the name of the petitioner has been figured in
this case only by virtue of confessional statement of the co-
accused. Counsel further submits that nothing incriminating has



been recovered from the petitioner's possession nor he was put on TIP. Counsel also submits that the case is of magisterial triable.

5. Learned counsel for the petitioner further submits that the antecedent of the petitioner is not clean and there are three criminal cases pending against him in which he is on bail. Counsel also submits that the petitioner is in custody since 02.06.2023 in the present case. Counsel further submits that charge-sheet has already been filed.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that antecedent of the petitioner is not clean and this aspect may be taken into consideration while considering the bail application of the petitioner.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, **but only after framing of charge, if not framed** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Khagaria in connection with Khagaria (Chitragupt Nagar) P.S. Case No. 216 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.

8. However, the petitioner shall be granted bail only after Trial Court on being satisfied with the affidavit to be submitted by the petitioner before the Trial Court indicating therein that he is not absconding in any of the cases pending against him whose details are as follows:-



- (I)- Khagaria Mufassil P.S. Case No. 563 of 2021.
- (II)- Khagaria P.S. Case No. 646 of 2020.
- (III)- Morkahi P.S. Case No. 139 of 2022.

(Dr. Anshuman, J.)

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