

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3919 of 2024

Arising Out of PS. Case No.-114 Year-2023 Thana- DHANSOI District- Buxar

MADHUSUDAN KUMAR LATE GANESH SINGH R/O VILLAGE- NAI
BAZAR, MATHIYA, WARD NO. 4, P.S. BUXAR (TOWN), DISTRICT-
BUXAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar Gupta
For the Opposite Party/s : Mr.Prem Kumar Jha

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

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

The petitioner seeks bail in connection with
Dhansoi P.S. Case No. 114/2023 registered for the offences
punishable under Section 392 of the Indian Penal Code.

As per prosecution case, three unknown miscreants
boarded on a Bullet Motorcycle, came to informant and started
firing. It is further alleged that the miscreants took away the key
of informant's motorcycle along with Rs. 1,32,000 from his
pockets and dickey of his bike and fled away towards Dhansoi.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence as alleged
in the FIR and he has falsely been implicated in this case. It is



further submitted that petitioner is not named in the FIR and his name has transpired in the present case on the basis of confessional statement of co-accused Bharat Pandey. Except confessional statement there is nothing on record to connect the present petitioner with the alleged occurrence. Basically no incriminating article has been recovered from conscious possession of the petitioner. Co-accused Bharat Pandey upon whose confessional statement petitioner has been made accused in this case has already been granted bail by a co-ordinate bench of this Court vide Cr. Misc. No. 76489 of 2023 and case of present petitioner stands more or less on similar footing. No TIP was conducted upto now. Petitioner is in custody since 12.07.2023. Petitioner bears criminal antecedent of three cases. Learned counsel orally submits that petitioner is on bail in all the three cases.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

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, Buxar in connection with Dhansoi P.S. Case No. 114/2023, subject to the 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 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)

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