

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8961 of 2025

Arising Out of PS. Case No.-338 Year-2023 Thana- MOHIUDDIN NAGAR District-
Samastipur

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Ashutosh Kumar @ Golu @ Morya S/o Ram Rekha Prasad R/o vill
-Madhaipar @ Madhaipur, Ps- Dalsingsarai, District- Samstipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sabal Kumar Jha, Advocate
For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-02-2025 Heard Mr.Sabal Kumar Jha, learned counsel for the

petitioner and Mr.Tarun Prasad Mandal, learned A.P.P. for the

State.

2. The petitioner seeks bail, who is in custody since
01.01.2024 in connection with Mohiuddin Nagar P.S. Case No.
338 of 2023, F.I.R. dated 11.12.2023 registered for the offence
punishable under Section 395 of IPC.

3. The FIR of the occurrence of dacoity is against
unknown.

4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case.
Petitioner is not named in the FIR. The name of the petitioner
has been transpired during investigation on the basis of the



confessional statement of co-accused person, namely, Subodh Kumar and till date no TIP has been conducted by the prosecution and the petitioner has been remanded from Mohiuddin Nagar P.S. Case No.01/2024 in the present case and the petitioner is in custody since 01.01.2024.

5. Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries five more cases other than the present one but he fairly submits that the petitioner is on bail in all the cases, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid fact, petitioner is not named in the FIR, the name of the petitioner has been transpired during investigation on the basis of the confessional statement of co-accused person, namely, Subodh Kumar and till date no TIP has been conducted by the prosecution, let the petitioner, above named, 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 J.M.1st Class-cum-Additional Munsif, Samastipur in connection with Mohiuddin Nagar P.S. Case No. 338 of 2023, with the following conditions:-

(I) 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 cancelled by the Court below.

(II) 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.

(III) 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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