

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66564 of 2024

Arising Out of PS. Case No.-71 Year-2024 Thana- SHYAMPUR BHATHAN District-
Sheohar

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Gulshan Kumar Son of Jeetendra Singh @ Jitendra Singh R/O Vill.- Mashaa,
P.S.- Shyampur, Bhataha, Dist.- Sheohar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rahul Singh, Adv.
For the Opposite Party/s : Mr. Rina Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 23-01-2025 Heard the parties.

2. The petitioner is in judicial custody in connection with Shyampur Bhataha P.S. Case No. 71 of 2024 for the offence under Sections 309(4) and 317(2) of the Bharatiya Nyaya Sanhita, lodged on 16.07.2024 by the informant, Rekha Devi.

3. As per the prosecution story, the informant alleged that he went to purchase certain medicine and while returning the accused arrived on a pulsar motorcycle, surrounded, snatched the mobile as also amount/aadhar card. As they were trying to escape, the informant followed making noise which alerted the local villagers who blocked the passage of the accused persons. Accordingly, they were apprehended and gave their respective names as Gulshan Kumar (the petitioner herein), Shravan Kumar, Nabab Thakur @ Nawab Thakur, the looted articles were



recovered from Nabab Thakur. Accordingly, the F.I.R.

4. Learned counsel for the petitioner submits that though he has been given the role of an accused, nothing has been recovered from his possession, only because of criminal antecedent, implicated and made an accused in the present case though he concede that he has criminal antecedent and undertakes to diligently appear in trial and present himself before the police station.

5. Learned APP opposes the prayer for bail submitting that considering the criminal antecedent, the petitioner does not deserve bail.

6. Considering the submissions of the parties as also the fact that the petitioner has remained in custody since 17.07.2024 (paragraph 14 of the petition), nothing has been recovered from his conscious possession, an undertaking has been given that he shall be diligently appearing in trial, in that background, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Sessions Judge, Sheohar in connection with Shyampur Bhataha P.S. Case No. 71 of 2024 subject to the following conditions:

(i) one of the bailor should be the family



member/relative of the petitioner who shall provide official document to show his/her 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 bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month till the conclusion of the trial to mark his attendance;

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

(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 his bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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