

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53005 of 2015

Arising out of PS. Case No. -279 Year- 2015 Thana -KOTWALI District- PATNA

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Rakesh Kumar Singh son of Kali Charan Singh, R/o- Mohalla- Kankarbagh,
P.S.- Kankarbagh, Distt.- Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Pranaya Shanker Sinha, Advocate

For the Opposite Party/s : Mr. Ram Chandra Sahani(APP)

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 17-12-2015 Heard the parties.

The petitioner apprehends his arrest in connection with Kotwali P.S. Case No. 279 of 2015 for the offences punishable under Sections 379 and 411/34 of the Indian Penal Code.

Mr. Pranaya Shankar Sinha, learned counsel for the petitioner with reference to the FIR submits that there is no allegation made against the petitioner either by the informant or by the apprehended person except that the 10 wheeled Hydra truck impounded from the place belongs to the petitioner. The FIR charges the arrested persons of trying to committing theft of the cables belonging to M/s B.V.G. India Limited of 33 K.V. 400 M.M. wires at the *Birchand Patel Path*, Patna. Learned

counsel with reference to the impugned order passed by the court below submits that the truck was hired by one Manish on the pretext of transporting the cables but the Hydra truck in question was misutilized for the theft purpose and it is only because the petitioner happens to be the owner of the truck with no other involvement established, that he has been roped in the matter.

Having heard learned counsel for the parties and considering the nature of allegations set out in the FIR, let the petitioner, namely, Rakesh Kumar in the event of his arrest or surrender within four weeks from today be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Patna and/or the court concerned in connection with Kotwali P.S. Case No. 279 of 2015 subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Jyoti Saran, J)

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