

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10709 of 2019

Arising Out of P.S. Case No.-342 Year-2018 Thana- BYPASS District- Patna

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BHIM DAS, age 24 years, Male, Son of Kamal Das @ Kallu Ram Resident of Mohalla-Yarpur Domkhana, Behind Patrol Pump, P.S.- Sachiwalay, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs.Rina Sinha, Advocate

For the Opposite Party/s : Mr.Pronoti Singh, Advocate

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

2 22-02-2019 Heard the learned counsel for the petitioner and learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since 29.10.2018 in connection with Bypass P.S.Case No.342 of 2018 for the offence alleged under Sections 379 and 411 of the Indian Penal Code.

The prosecution case as lodged by the informant is that he is the driver of the truck and while he had parked his truck near the transport company, he found two persons after removing the battery of the truck carrying it to the tempo. On alarm, two persons including the petitioner were apprehended and the battery was recovered.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal antecedent, in fact, the petitioner is tempo driver, the truck had collided with



the tempo and had damaged it for which there was altercation between the informant and the petitioner and as such, the petitioner has falsely been implicated in the aforesaid case. He submits that the chargesheet has already been submitted, there being no allegation of tampering with the prosecution evidence.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner was caught red handed.

Considering the nature of allegation, the period of custody and that chargesheet has already been submitted, 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 in connection with Bypass P.S.Case No.342 of 2018 to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Patna City, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

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(Nilu Agrawal, J)

