

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35585 of 2019

Arising Out of PS. Case No.-82 Year-2018 Thana- KATHAIYA District- Muzaffarpur

OM PRAKASH @ OM PRAKASH JHA S/o Pawan Kumar Jha R/o Village-
Kalwari, P.S.- Kanti, Distt.- Muzaffarpur. At present Village- Madhuban, P.S.-
Kolhua, Distt.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar

For the Opposite Party/s : Mr.Yogendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 17-07-2019 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in Kathaiya P.S. Case No.
82/2018, instituted for offence under Section(s) 413, 414, 412,
120(B)/34 of the Indian Penal Code read with Section 25(1-B)A,
26 and 35 of Arms Act.

Earlier prayer for bail of petitioner was rejected by this
Court vide order dated 02.11.2018 passed in Cr. Misc. No.
49784/2018 with observation to renew prayer for bail after six
months in the event trial is not concluded within six months.

It is alleged in the written report that police got secret
information that one garlic loaded truck was brought near the
Panchayat Bhawan of Sirsiya village which was being loaded by
Abhishek Kumar, Sidhant Tiwari, Chhotu Kumar Singh, Satish
Kumar and Dinesh Kumar. The villagers got suspicious that the



Garlic loaded truck is looted truck and informed the police. The driver on seeing the police party started moving towards Hardi Bazar. The informant along with other police personnel proceeded towards Hardi Bazar and as soon as reached near Rampur Bheriya Bridge, the truck driver and another person seated in the cabin, wanted to run away. The police apprehended both of them. The driver disclosed his name as petitioner and the other person who was seated, disclosed his name as Deep Ranjan @ Radhe Shayam. It is further alleged that one mobile phone was recovered from possession of petitioner. The apprehended persons disclosed that on 16/17.04.2018 at about 1:00 A.M. the aforesaid truck has been looted with Garlic by the accused persons and has been brought to the place where the garlic was to be unloaded.

Learned counsel for the petitioner has submitted that mere suspicion has been raised against this petitioner. No separate case has been filed by the owner of truck. The other co-accused has already been granted bail by a Co-ordinate Bench of this Court vide order dated 08.03.2019 passed in Cr. Misc. No. 79028/2018.

Report from the court below regarding stage of trial has been received, wherein it is mentioned that in the instant case charge has been framed on 03.12.2018, but not a single witness has been examined till date.

Petitioner is in custody since 19.04.2018.



Keeping in view the period of custody spent by petitioner, prayer of the petitioner for grant of bail is allowed. 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 the learned Chief Judicial Magistrate, Muzaffarpur, in connection with Kathaiya P.S. Case No. 82/2018, subject to the conditions that

- (I) both the bailors shall be the close relative of the petitioner.
- (II) Petitioner shall be present on each and every date fixed by the court and absence on two consecutive dates without valid reason will result in cancellation of bail bond of the petitioner and
- (III) if petitioner tamper with the evidence in the case, prosecution will be at liberty to move for cancellation of bail bond of the petitioner.

(Sanjay Priya, J)

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