

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76868 of 2019

Arising Out of PS. Case No.-395 Year-2019 Thana- PURNEA SADAR District- Purnia

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DHANANJAY KUMAR @ DHANANJAY KUMAR GOND @
DHANANJAY GOND S/o Suraj Dev Gond Resident of Balua Daulatpur,
P.S.- Ara Mufassil, Distt.- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dineshwar Mishra,Adv.

For the Opposite Party/s : Mr.Md. Mushtaque Alam, APP

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

2 27-11-2019 Instant petition under Sections 439 and 440 of Criminal Procedure Code has been moved for grant of bail in F.I.R. No. 395 of 2019, dated 03.08.2019, registered at Police Station Sadar under Sections 406, 420/34 of the Indian Penal Code

I have heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State. I have also perused the relevant record of the case, necessary for adjudication of this petition.

It is the allegation against the present accused that one vehicle laden with goods, i.e. the maize, loaded in the vehicle of which the bail-applicant was the driver, was unauthorizedly sold. The petitioner was arrested on 12th of August, 2019.



Prima facie, the case appears not to have been made out against the accused for thus far it is seen that the owner of the vehicle and as that of the goods were having knowledge of the movement of the vehicle and were fully in the know of the goods as also the spots where it was unloaded.

Prima facie also it appears that thus far no case against the petitioner is made out indicating his complicity in the alleged crime.

It is submitted by learned counsel for the petitioner that the petitioner has roots in the society; is not likely to interfere in the investigation or influence any of the witnesses or destroy the evidence; is behind bars since 12.8.2019; no further custodial interrogation is required and he has fully cooperated in the investigation.

Prima facie, nothing is produced to highlight petitioner's direct involvement in the crime.

Thus, this Court is of the considered view that petitioner has made out a case for grant of bail. Possibility of false implication, as is so alleged by the petitioner, cannot be ruled out. Also, thus far save and except for naming the petitioner in the F.I.R., no evidence corroborative in nature stands recorded by the police. Also, none has come forward to



highlight the possible involvement of the petitioner in the crime. On what basis the Investigating Officer could link the accused to the crime is also not emanating from the record.

Be that as it may, having regard to the entirety of the facts and circumstances of the case, let the petitioner, named above, be released on bail on furnishing bail bond of Rs. 25,000/-(Twenty five thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnia in connection with Sadar P.S. Case No. 395 of 2019, on the following conditions:-

(i) That one of the bailors of the petitioner shall be his close relative.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bonds shall be liable to be cancelled by the learned court concerned.

(iv) The petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the



State shall be at liberty to move for cancellation of bail.

Any observation made herein shall not be construed to
be an expression on the merits of the matter.

Petition stands disposed of in the above terms.

(Sanjay Karol, CJ)

K.C.Jha/-

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