

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.19428 of 2021**

Arising Out of PS. Case No.-334 Year-2020 Thana- KUDRA District- Kaimur (Bhabua)

MOHSIN KHAN SON OF LATE JAMI HASSAN KHAN Resident of
Village - Mircha, P.S.- Dildar Nagar, Distt.- Ghazipur (Uttar Pradesh)

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mr. Majid Mahboob Khan, Advocate
For the Opposite Party/s :		Mr. Upendra Kumar, APP.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 20-07-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Kudra P.S. Case No. 334 of 2020 registered for the offences punishable under Section 379, 182, 211, 407, 199, 420 and 411 of the Indian Penal Code.

As per the prosecution story, the informant has alleged that he was the driver of the Truck loaded with Solar Plates and on 30.10.2020, when he parked the truck on the side of the road and went to take meal with his helper (khalasi) and when he came after eating, he found that the truck was missing.



It is alleged that after searching for a long time he could not find the truck loaded with Solar Plates.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned counsel submits that the truck was recovered from Durgapur Expressway under Chanditola Police Station, Hoogly, West Bengal and not from the conscious possession of the petitioner, however petitioner is in custody since 05.11.2020 having no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein the F.I.R. is against unknown, however in course of investigation it has transpired that this petitioner was also in touch with the co-accused and the vehicle in question had been recovered from Durgapur Expressway after some scientific investigation, however, petitioner has remained in jail in connection with this case since 05.11.2020, he has no criminal antecedent, investigation against him is complete but the trial is not likely to take place in near future, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two



sureties of the like amount each to the satisfaction of learned A.C.J.M. - VI, Kaimur at Bhabua in connection with Kudra P.S. Case No. 334 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

With further condition that one of the bailor would be a local resident within the jurisdiction of the learned court below having sufficient means.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail



bonds in terms of the above-mentioned order shall not be
delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

