

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19868 of 2021

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

MD. UBAID KHAN @ ARMAN KHAN Son of Tufail Khan Resident of
Village - Ganjethi, P.S. - Kudabaar, District - Sultanpur (U.P.).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Parwej Khan, Adv.
For the Opposite Party/s : Mr.Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 25-10-2021 Heard the parties.

The petitioner seeks bail in connection with Kudra P.S. Case No.334 of 2020, registered for the offence punishable under Section 379 of the IPC. Thereafter, sections 182, 211, 407, 199, 420 and 411 IPC was added on 11.11.2020.

As per the prosecution story, the informant being the driver of the Truck loaded with Solar Plates, on 30.10.2020, parked the truck at N.H.2 near Shanti Sheetal Hotel and went to take meal with his helper, thereafter when he came back, the truck was missing. It is alleged that some unknown thieves have stolen the loaded truck.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has not committed any offence as alleged in the FIR. He is not named in the FIR nor apprehended



on the spot but his name has been dragged in this case only on the basis of confessional statement of co-accused, who implicated the petitioner acknowledging as helper at the alleged truck. The loaded truck has been recovered from Durgapur Expressway under Chanditola Police Station, Hoogly, West Bengal on 3.11.2020 and not from the conscious possession of the petitioner. Similarly situated co-accused namely Mohsin Khan has been granted bail by a co-ordinate Bench of this court vide order dated 20.07.2021 passed in Cr. Misc. No.19428 of 2021. The petitioner has no criminal antecedent and has been languishing in custody since 05.11.2020.

Learned APP for the State opposed the prayer for bail.

Considering the facts and circumstances of this case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, VIth, Kaimur at Bhabua, in connection with Kudra P.S. Case No.334 of 2020, subject to the following conditions as laid down u/s 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.

(Anjani Kumar Sharan, J)

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