

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29579 of 2021**

Arising Out of PS. Case No.-376 Year-2019 Thana- KUDRA District- Kaimur (Bhabua)

CHINTU KUMAR @ RAHUL KUMAR S/O SUNIL KUMAR SINGH R/O
VILLAGE LALCHAK, P.S. DHANSOI, DISTRICT BUXAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Adv.

For the Opposite Party/s : Mr. A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 23-11-2021 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

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

The petitioner seeks bail in connection with Kudra P.S. Case No. 376 of 2019/ G.R. No. 2534 of 2019 registered for the offence under Sections 392 of the Indian Penal Code.

The case relates to theft of 65 bags of Garlic.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. In fact, the petitioner has not been named in the F.I.R. nor anything has been recovered from his



conscious possession. Merely on the basis of confessional statement of the co-accused, Sonu Kumar Singh, this petitioner has been apprehended by the police in this case. No cogent material has come against the petitioner during course of investigation. Moreover, the co-accused, namely, Sonu Kumar Singh, having more or less similar allegation, has already been granted bail by a co-ordinate Bench of this Court vide order dated 04.06.2020 passed in Cr. Misc. No. 18175 of 2020. The petitioner is rotting in judicial custody since 05.01.2021.

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

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Additional Chief Judicial Magistrate-VI, Kaimur at Bhabhua in connection with Kudra P.S. Case No. 376 of 2019/ G.R. No.2534 of 2019 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the



Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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.

(Rajesh Kumar Verma, J)

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