

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39241 of 2020

Arising Out of PS. Case No.-217 Year-2019 Thana- NADI P.S. District- Patna

SANTOSH KUMAR Son of Sri Ram Vilash Singh Resident of Village -
Hiranandpur, P.S.- Didarganj, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeet Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 13-12-2021 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 Mr. Md.
Fahimuddin, learned APP for the State.

The petitioner in the present case is seeking pre-arrest
bail in connection with Nadi P.S. Case No.217 of 2019
registered for the offences punishable under Sections 414/34 of
the Indian Penal Code and Section 25(1-b)a/26/35 of the Arms
Act.

Learned counsel for the petitioner submits that as per
the allegation two stolen motor-pump sets were recovered from
the vehicle in question of which the petitioner is the owner.

Learned counsel for the petitioner submits that the



petitioner was not present in the vehicle in question from which the two motor-pump sets were seized. Learned counsel submits that the petitioner is providing the tempo on hire to the village persons and he had no knowledge that the co-accused who had hired his vehicle were involved in committing theft of motor-pump sets.

Learned APP for the State is present and has opposed the prayer for pre-arrest bail of the petitioner.

Having regard to the materials placed before this Court showing that the petitioner was not present in the vehicle in question from which the two motor-pump sets were seized, his contention is that he is providing the tempo on hire to the village persons and had no knowledge that the co-accused who had hired his vehicle were involved in committing theft of motor-pump sets, save and except the confessional statement alleging involvement of this petitioner in this case, no other material has been noticed by the learned Additional Sessions Judge-VI while rejecting the prayer for anticipatory bail of the petitioner, this Court directs that the petitioner above-named in the event of his arrest or surrender within a period of four weeks from today in connection with Nadi P.S. Case No.217 of 2019 be released on bail on furnishing bail bonds of Rs. 25,000/-



(twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-V, Patna City (Patna), subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

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)

arvind/-

U		T	
---	--	---	--

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'.

