

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4603 of 2021

Arising Out of PS. Case No.-152 Year-2020 Thana- BARHARA KOTHI District- Purnia

AJAY KUMAR DAS S/o Sachchidanand Das R/o Village- Kurbaghat, P.S.-
Sarsi, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 25-03-2021 Heard learned counsel for the petitioner and learned

A.P.P. for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Barhara P.S. Case No. 152 of 2020 registered for the offence punishable under Section 395 of the Indian Penal Code.

As per the prosecution case, Vivek Kumar and Vishal Kumar loaded 150 bags Maize and 140 bags Maize on their respective tractors bearing Registration No. BR43GA 1001 and BR-43G/8233 and were going to Gulabbagh for selling the same. On reaching ahead of Dabba before the Power grid Aurahi Chauk, they were looted and assaulted by some eight



miscreants by means of pipe of Nal-Jal. Two miscreants took the tractors driven from there as driver. Rest six miscreants, after tying the hands of three of them took them to an agricultural field where they were held captive till the next morning. All the miscreants had hid their face with black cloths.

It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case and has not been named in the F.I.R. No such occurrence as alleged ever took place. He is quite innocent and has been falsely implicated in this case. He submits that on the confessional statement of the co-accused Brajesh Kumar @ Brajesh Yadav, the petitioner has been made accused in the present case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature.

Learned counsel for the petitioner further submits that the co-accused Brajesh Kumar @ Brajesh Yadav has been granted bail *vide* order dated 12.02.2021 in Cr. Misc. No. 38295 of 2020. He submits that the petitioner was never put on T.I. parade during the investigation. No incriminating article has been recovered from his conscious physical possession. The petitioner has no criminal antecedent as has been mentioned in para 3 of the bail application and he has been languishing in



custody since 09.07.2020.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, 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 Smt Angira Kumari, Judicial Magistrate Ist class, Purnea in connection with Barhara P.S. Case No.152 of 2020 subject to the following conditions:

(1) Both the bailors shall be resident of territorial jurisdiction of the learned Court below.

(2) The petitioner shall fully cooperate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(3) The petitioner shall not leave the country without permission of the Trial Court.

(Anjani Kumar Sharan, J)

GAURAV S./-

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