

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39595 of 2020

Arising Out of PS. Case No.-182 Year-2020 Thana- BAKHTIYARPUR District- Patna

Arvind Kumar, Son of Late Shiv Shankar Prasad, Resident of Mohalla -
Katkachak, P.S.- Bishunpad (Gaya), District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandar Verma, Sr. Advocate Mr. Sudhir Kumar Sinha, Advocate
For the Opposite Party/s	:	Mr. Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 15-03-2021 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with
Bakhtiyarpur P.S. Case No.182 of 2020 registered for the
offence punishable under Sections 399, 402, 411, 412, 414, 420,
467, 468, 471 of the Indian Penal Code and Section 25(1-
B)a/26/35 of the Arms Act.

The allegation is that some persons have been
apprehended under conspicuous circumstances near a Line
Hotel and they were planning to commit dacoity. The arrest of
the accused persons has led to implication of the instant
petitioner as being a person on whose possession, one looted
Swift Desire car was kept.



Mr. Yogesh Chandra Verma, learned Senior Counsel submits that the petitioner is a dealer in used cars and was in *bona fide* possession of the vehicle, oblivious of the fact that it had earlier been stolen as it has come in the investigation that the registration number plate and chasis number had already been changed. He claims parity with co-accused Chandu Kumar, who was his Driver and has been allowed bail in Cr.Misc. No.39461 of 2020, as both are persons who have clean past. The petitioner is stated to be in custody since 05.08.2020 and as per prosecution case and in the investigation, there is no involvement of the petitioner in the loot of the vehicles, which allegation appears to be against the other co-accused in relation to them, there are also criminal antecedents.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, let the petitioner, above named, 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 the learned Additional Chief Judicial Magistrate-1, Barh, District-Patna, in connection with Bakhtiyarpur P.S.



Case No.182 of 2020, subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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