

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1052 of 2021

Arising Out of PS. Case No.-79 Year-2020 Thana- BHAPTIAHI District- Supaul

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BHARAT KUMAR SINGH Son of SRI SHAMBHU SINGH Resident of
Village - Rahuamani, P.S.- Bangaon, Distt.- Saharsa.

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA, Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Awadhesh Kumar, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 22-06-2021 Heard Mr. Awadhesh Kumar, learned counsel for the

petitioner and Mr. Akshay Lal Pandit, learned Additional Public

Prosecutor appearing for the State through video conferencing.

Petitioner seeks regular bail in connection with
Bhaptiahi P.S. Case No. 79 of 2020 registered for the offence
punishable under Section 392 of the Indian Penal Code 1860.

The allegation as per the First Information Report is
that the driver of the informant who was driving the pick up van
bearing registration No. WB-73E-9325 was intercepted by a
white colour Scorpio vehicle in which some persons were sitting
and thereupon the informant stopped the pick-up van and
escaped along with the cleaner Anish Kumar Jha after taking
the key of the pick up van along with him. The informant has
alleged that the said pick-up van in which the Ginger loaded



with, was looted away by the four unknown criminals.

Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case by the informant due to road-rage. Learned counsel further submits that the First Information Report is against unknown. However, the name of the petitioner has transpired on the basis of confessional statement of co-accused persons namely, Badshah Khan, Ravindra Yadav and Umesh Kumar Singh. Learned counsel also submits that the petitioner was subsequently arrested from the pick-up van. Learned counsel next submits that from perusal of the First Information Report it would be evident that the pick-up van was recovered and seized by the Police and as per Section 100 Cr. P.C. the signature of the petitioner who was allegedly arrested from the pick-up van was not there whereas the signature of co-accused Badshah Khan and Umesh Kumar Singh are there on the seizure list. The petitioner is in custody since 13.8.2020 having no criminal antecedent and co-accused Badshah Khan has been granted bail by a co-ordinate Bench of this Court in Cr. Misc. 39348 of 2020.

Having regard to the submissions made by the parties and taking into consideration the materials on record and the



fact that petitioner has got no criminal antecedent, he is in custody since 13.8.2020 and similarly situated co-accused person has been granted bail by a co-ordinate Bench of this Court, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Supaul, in connection with Bhaptiahi P.S. Case No. 79 of 2020.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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