

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1925 of 2022**

Arising Out of PS. Case No.-253 Year-2020 Thana- DURGAWATI District- Kaimur (Bhabua)

RAVI KUMAR Son of Lalan Kumar Singh @ Lalendra Kumar Resident of
Village- Selhauri Bag, Belhauri (Pali Dulhin Bazar), Police Station- Dulhin
Bazar, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Pathak, Advocate
For the Opposite Party/s : Mr.Shyameshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 27-04-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The present bail application has been taken out of turn based on the mentioning made by the learned counsel for the petitioner on the ground that the sister of the petitioner is getting married on 04.05.2022 for which a supplementary affidavit has been filed bringing on record the marriage invitation card.

The petitioner seeks bail in a case registered for the offences punishable under Sections 406, 379 and 420 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is in custody since 16.08.2021, charge-sheet has been submitted in the case and has antecedent of one case.

Learned counsel for the petitioner submits that the



informant alleges that he had sent 20 tonnes of cement with proper documents to Mahadev Memraj at Rosera through truck bearing registration no. BR01GE 1335 but till date the cement has not been delivered, thus alleges that the owner of the truck in connivance with the driver sold the cement, further the truck was booked through petitioner as he had assured that the truck belongs to his friend.

Learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the F.I.R. it would manifest that the only allegation against the petitioner is that the truck by which the cement was sent to Rosera was booked through him on the ground that the truck belongs to his friend. It is submitted that merely because the truck belongs to his friend that in itself does not in any manner even remotely suggest that petitioner was instrumental in siphoning of the alleged cement, as alleged in the FIR. Learned counsel further submits that even the informant in the FIR has specifically alleged that it was the owner who in connivance with the truck driver sold the said cement and the same was not delivered.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the fact that the petitioner is in custody



since 16.08.2021, charge-sheet has been submitted in the case and in the nature of allegations as alleged, let the petitioner above named be **released on provisional bail** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Durgawati P.S. Case No. 253 of 2020.

The learned court below shall seek a report from the Superintendent of Police, (City) Patna as to whether the sister of the petitioner, namely, Pushpa Kumari is getting married with Sukesh Kumar or not on 04.05.2022, in the event, if the report records that the court was misled for the purposes of obtaining bail, the learned court below shall forthwith cancel the provisional bail bonds of the petitioner and will take all coercive steps to ensure that the petitioner is put behind the bars and in the event, if the report records that the sister of the petitioner is getting married on 04.05.2022, then the learned court below shall forthwith confirm the provisional bail bonds of the petitioner.

(Satyavrat Verma, J)

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