

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9612 of 2022

Arising Out of PS. Case No.-664 Year-2021 Thana- SHEKHPURA District- Sheikhpura

Ayush Kumar S/O Shiv Mangal Prasad @ Shiv Mangal Prasad Gupta
Resident of Bartad Co-Operative Colony, P.S.- Dhanbad, District- Dhanbad
(Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh

For the Opposite Party/s : Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 09-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within two weeks
of the complete start of the physical Court in normal course.

The petitioner seeks bail in connection with
Sheikhpura P.S. Case No. 664 of 2021 registered for the offence
under Section 379 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 10.01.2022.

The name of the petitioner surfaced in this case on the
basis of confessional statement.

As per the prosecution case, Hywa truck of the
informant bearing Registration no. BR 53 G9161 was stolen by
unknown thieves.



Learned counsel appearing on behalf of the petitioner submitted that the stolen Hywa truck is yet to be recovered and moreover it was found that co-accused, namely, Anand Kumar was in continuous talk to sell the truck of the informant on his mobile phone. It has also been argued that mere on the ground of telephonic conversation, the involvement of petitioner in the alleged occurrence cannot be asserted. It has further been submitted that petitioner is a man of clean antecedent.

Learned APP appearing on behalf of the State while opposing the prayer for bail fairly conceded that petitioner is not named in the F.I.R. and he is a man with clean antecedent.

Considering the facts and circumstances as mentioned above, as stolen vehicle has not been recovered from the petitioner coupled with the fact that petitioner is a man of clean antecedent, let the petitioner, above named, is directed to be released on bail in connection with Sheikhpura P.S. Case No. 664 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheikhpura, subject to the following conditions:

“(i) That accused/petitioner shall
not involve in the similar nature of offence



till the conclusion of trial, failing the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be properly represented on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground duly supported by the documents.

(iii) That one of the bailors shall be the close relative of the accused/ petitioner like mother/father/sister/brother.”

(Chandra Shekhar Jha, J)

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