

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13296 of 2022

Arising Out of PS. Case No.-433 Year-2020 Thana- BETTIAH CITY District- West Cham-
paran

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Dinesh Kumar Das Son of Parmeshwar Das Resident of Village- Banuchapar,
P.S.- Muffasil (Banuchhaar O.P.), District- West Champaran at Bettiah.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate
For the Opposite Party/s: Mr. Shailendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

5 21-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect (s), as pointed out by the office, be re-
moved within a period of four weeks from today.

The petitioner seeks bail in connection with a case
registered for the offences punishable under Sections 392 and
412 of the Indian Penal Code.

As per allegation in the FIR, the truck of the
informant loaded with cement etc. was stolen by the accused
persons after overpowering the driver and the *khalasi*. It is
stated that on receiving information, when the informant
proceeded towards the place of occurrence, he found that the
truck had met with an accident and one of the accused namely,



Shyamkant Ojha found inside of the cabin of the truck, who disclosed the name of his associates.

Learned Counsel for the petitioner submits that the petitioner is innocent and has not committed any offence. Further, it is submitted that the name of the petitioner transpired in this case only on the basis of confessional statement of another co-accused namely, Shyamkant Ojha, who has been granted bail by a Co-ordinate Bench of this Court *vide* order dated 24.06.2021 passed in Criminal Miscellaneous No. 5362 of 2021 and the other co-accused, namely, Kisan Kumar has also been granted bail by a Co-ordinate Bench of this Court *vide* order dated 14.02.2022 passed in Criminal Miscellaneous No. 45287 of 2021. The petitioner is in custody since 01.03.2021 and charge-sheet has been submitted in this case, has antecedent of three cases.

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

Considering the facts and circumstances of this case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) only with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bettiah, West Champaran in



connection with Bettiah Town P.S. Case No. 433 of 2020, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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