

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13397 of 2022

Arising Out of PS. Case No.-12 Year-2022 Thana- DUMARIAGHAT District- East
Champaran

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Santosh Kumar Singh, Son of Late Rajnandan Singh @ Rajinandan Singh,
Resident of Village- Gajpura, P.S.- Mufassil Motihari, Distt.- East
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-07-2022 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, within a

period of four weeks from today.

Heard Mr. Abhishek Kumar, learned counsel

appearing on behalf of the petitioner and learned Additional

Public Prosecutor for the State.

The petitioner seeks regular bail, who is in custody in

connection with Dumariyaghat P.S. Case No. 12 of 2022

registered for the offence punishable under Sections 414, 420,

467, 468, 379/34 of the India Penal Code. Later on, Section

120(B) of the India Penal Code was added.

As per the prosecution case, it is alleged that six F.I.R.

named accused persons after committing theft of a truck laden



with sugar bag brought in the village and were trying to sell it to other traders. The police conducted raid and different number of bags of sugar were recovered from various persons. So far as this petitioner is concerned, it is alleged that the petitioner is the owner of Om Transport Agency and from whose office the truck bearing Registration No. BR-06-GD-1648 was hired for the transportation of sugar bag. However, on interrogation, the petitioner denied the truck belonging to him and as such suspicion was raised against the petitioner that he in collusion with his associates fraudulently and illegally sold 600 bags of sugar.

It is submitted by the learned counsel appearing on behalf of the petitioner that prima facie from the FIR, it is evident that there is no allegation of theft of sugar bags against this petitioner, rather it is alleged that by making a forged and fabricated documents, the truck was used for the purpose of transportation. It is also submitted that the truck, in question, does not belong to the petitioner, rather the same belongs to one Shashi Ranjan Singh, who happens to be the owner of the said truck and this petitioner happens to be only a transporter, who provides trucks/vehicles for transportation of goods etc. It is also submitted that during the course of investigation, no



material has come which suggests the complicity of the petitioner in connection with the theft of the sugar bags by hatching a conspiracy. It is lastly submitted that this petitioner is a man of fair antecedent and he is in custody since 20.01.2022.

On the other hand, learned counsel for the State vehemently opposes the bail application and submits that during the course of investigation, it has come that the petitioner by using the forged and fabricated documents runs his transportation business and the entire offence has been committed in a pre-planned manner.

Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the investigation of the crime is already completed and the charge-sheet has been submitted and this petitioner having fair antecedent is in custody since 20.01.2022, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Motihari, East Champaran in connection with Dumariyaghati P.S. Case No. 12 of 2022 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as



follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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