

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25897 of 2021

Arising Out of PS. Case No.-79 Year-2020 Thana- KASBA District- Purnia

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DILIP KUMAR SHARMA, SON OF LATE KAKAN SHARMA, R/O
VILLAGE- KHUSHIKIBAG, CHAUHAN TOLA, P.S- SADAR, DIST-
PURNEA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dr. Bidhu Ranjan

For the Opposite Party/s : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-01-2022 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State, through Video

Conferencing.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Kasba P.S.
Case No. 79 of 2020, registered for the offences punishable
under Sections 379, 411 of the Arms Act.

The prosecution case, in brief, is that on 03.07.2020,
the driver of the informant, namely, Ramashish Chauhan after
loading 700 bags of Ambuja Comapny Cemenet in the truck of
the information from rack point, Purnea came to Godown near



Dharm Kanta to unload the said truck but he did not unload the said truck. Driver of the truck parked the said truck by the side of the road of the godown and at about 8:00 P.M., he went to his house. In the next following morning, the driver of the truck came but he did not see the said truck on the place, where he had parked the said truck. Thereafter, driver of the truck informed the informant then informant and his family came there and started enquiry about his truck but no one said anything about the truck. During the course of search, informant reached Falka Road and saw that one driver was sitting in his aforesaid truck then informant apprehended him. On being asked, the apprehended person disclosed his name as Dilip Kumar Sharma and also stated that on the institution of Balram Chauhan, he unloaded the 700 bags Ambuja cement loaded on the said truck in the godown of Mithilesh Kumar Gupta @ Mikky then informant with the help of his family members apprehended this petitioner with his aforesaid truck and produced before the police station.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the petitioner is a labour and he was not aware with regard to the



present illegal transaction of the co-accused, namely Mithilesh Kumar Gupta. He further submits that the recovery has been made from the godown of the co-accused namely, Mithilesh Kumar Gupta and the said Mithilesh Kumar Gupta has been granted bail by the Court below vide order dated 08.09.2020 and the petitioner is in custody since 04.07.2020.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea in connection with Kasba P.S. Case No. 79 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 shall remain physically present as directed 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. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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