

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18919 of 2022

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

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Raushan Pathak Son of Shri Upendra Pathak Resident of Village - Dumariya,
P.s.- Dumariya Ghat, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate
For the Opposite Party/s : Mr. Anil Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 18-07-2022 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. Praveen Kumar, learned counsel for the
petitioner and learned APP 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 offences punishable under Sections 414, 420,
467, 468, 379/34, 120(B) of the Indian Penal Code.

As per 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 and during course of raid the petitioner was apprehended and on search being made Rs. 30,000/- cash amount has been recovered from his possession.

It is submitted by the learned counsel appearing on behalf of the petitioner that in fact no stolen sugar bag and any incriminating material has been recovered from the person or possession of this petitioner and so far the recovered Rs.30,000/- cash and mobile phone are concerned, the same belong to the petitioner and the cash was kept for the purposes of business. It is next submitted that save and except suspicion, there is no other material which shows the complicity of the petitioner and moreover, the investigation of the crime is already completed and the charge sheet has been submitted in this case and though the petitioner is in custody since 20.01.2022 having clean antecedent.

On the other hand, learned APP for the State opposes the bail application and submits that stolen sugar bags have been recovered from the shop of the petitioner.

Having considered the submissions made on behalf of the parties and taking into consideration the nature of allegation as also the period of custody, apart from the fact the



investigation of crime is already completed and the charge sheet has already been submitted in this case, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, East Champaran at Motihari in connection with Dumariyaghat 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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