

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28545 of 2021

Arising Out of PS. Case No.-94 Year-2020 Thana- BIKRAM District- Patna

AMAN KUMAR Son of Raj Kumar Singh @ Raj Kumar R/O- Vill - Badi
Tangrela, P.S. - Naubatpur, District - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Samrendra Kumar Jha, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 03-02-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

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

Petitioner, who is in custody since 15.09.2020, seeks
regular bail in connection with Bikram P.S. Case No. 94 of 2020
registered for offences punishable under Section 379 of the
Indian Penal Code.

Prosecution case, in brief, is that the informant lodged
the instant case against unknown persons alleging that while his
driver went to Rani Talab, Sone Ghat, by his tractor for loading
the sand then near Nagahar More, Bikram, he stopped at line
hotel for lunch and after a nap when he woke up, then found his



tractor missing from there.

Learned counsel appearing on behalf of the petitioner submits that the alleged offence was committed on 04.02.2020 and the F.I.R. was lodged on 06.03.2020 with respect to the theft of the tractor bearing Registration No. BR-01-GH-4244. He further submits that petitioner has been made accused in this case on the basis of his confessional statement before the police authorities while he was in custody in Shahpur P.S. Case No. 106 of 2020. Nothing has been recovered from the possession of the petitioner. The petitioner has six criminal antecedents but in all those cases, he has been released on bail and in this regard he has made a specific statement in paragraph No. 3 of the bail application.

Learned A.P.P. for the state has opposed the prayer for grant of bail to the petitioner. He submits that the petitioner is a habitual offender and his complicity in the present case cannot be ruled out as such he does not deserve to be enlarged on bail.

Considering the above mentioned facts and circumstances of the case, there is minuscule evidence available in the case diary so as to connect the petitioner with the alleged crime and the alleged tractor has not been recovered till date, the petitioner, above named, is directed to be enlarged on bail upon



furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-VI, Danapur, Patna in connection with Bikram P.S. Case No. 94 of 2020 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(Purnendu Singh, J)

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