

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20858 of 2022

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

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Dipak Goswami Son of Manoj Goswami Resident of Village - Rampurwa,
P.S.- Dumariyaghat, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma
For the Opposite Party/s : Mr. Nawal Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 25-07-2022 Let the defects, if any, be removed within four weeks
from today.

Heard learned counsel for the petitioner as well as learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in connection
with Dumariyaghat P.S.Case No. 12 of 2022 for the offences
punishable under Sections 414, 420, 467, 468, 379/34 of the Indian
Penal Code.

As per the prosecution case, it is alleged that six FIR
named accused persons after committing theft of a truck laden with
sugar bags 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 including this petitioner.
It is alleged that on search being made total 60 bags of Sugar was



recovered from godown of the petitioner , which is alleged to have been purchased on half of the price.

Learned counsel appearing on behalf of the petitioner submits that petitioner is not one of the accused persons against whom there is allegation of theft of sugar bags. However, during course of investigation, the police conducted the raid of godown of the petitioner and on search being made total 60 bags of sugar, has been recovered. It is submitted that the recovered sugar bags have been purchased by the whole seller on price. Save and except the allegation that he has purchased 60 bags of sugar on payment of half of the price, there is no other material. It is next submitted that other co-accused persons having similar allegation, have already been granted bail by this Court. Petitioner is in custody since 20.01.2022, having fair antecedent.

On the other hand, learned counsel for the State opposed the bail application of the petitioner.

Having heard the rival contentions of the parties and taking into consideration the fact that there is no allegation of theft of sugar bags against the petitioners and the alleged sugar bags have been recovered from the godown of the petitioner, apart from that having similar allegation co-accused persons have been granted bail by this Court. moreover, petitioner is in custody since 20.01.2022, though investigation has already been concluded and the charge sheet has been submitted, let the petitioner, above named, be released on



bail on furnishing bail bonds of Rs. 20,000/- (Twenty 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 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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