

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21691 of 2022

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

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Kumod Pathak S/o Late Sheopujan Pathak Resident of Village- Dumaria,
P.S.- Dumaria Ghat, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava, Advocate.
For the Opposite Party/s : Mr. Ashok Kumar Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 25-07-2022 Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Heard Mr. Vijay Shankar Shrivastava, learned counsel
for the petitioner as well as learned Additional Public Prosecutor
for the State through video conference.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Dumaria Ghat P. S. Case No. 12 of 2022
registered for the offences punishable under Sections 141, 420,
467, 468, 379, 120(B) / 34 of the Indian Penal Code.

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 and during course of raid the petitioner was apprehended and on search being made Rs. 30,000/- cash amount and a mobile phone 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 amount 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. It is lastly submitted that one of the co-accused persons having similar allegation, namely Raushan Pathak has already been granted bail by this Court in Cr. Misc. No. 18919 of 2022 vide order dated 18.07.2022.

On the other hand, learned APP for the State



opposes the bail application and submits that the 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 account the fact that the investigation of crime is already completed and the charge-sheet has already been submitted in this case, apart from that co-accused person having identical allegation has already been granted bail by this Court, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Dumaria Ghat P. S. Case No. 12 of 2022, subject to the condition that one of the bailors will be the close relative 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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