

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22823 of 2022

Arising Out of PS. Case No.-42 Year-2022 Thana- HASPURA District- Aurangabad

Chhotu Kumar S/o Late Bhim Saw Resident of Village- Rajapur, P.S.- Goh,
District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan, Advocate.

For the Opposite Party/s : Mr. Satyanand Shukla, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-07-2022 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. Tribhuwan, learned counsel for the petitioner as well as Mr. Satyanand Shukla, learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Haspura P. S. Case No. 42 of 2022 registered for the offences punishable under Sections 411 and 414 of the Indian Penal Code.

As per the prosecution case, it is alleged that the Police, on a secret information, intercepted a Pick-Up Van and on search being made four Motor Pumps, which were said to have been stolen was found on its Dala. It is further alleged that



on noticing the Police party, the accused persons managed to flee away from there and from the paper relating to the said vehicle it transpired that the said vehicle belongs to this petitioner.

Learned counsel appearing on behalf of the petitioner submitted that the alleged Pick-Up van from which recovery was made, has been driven by its driver for the purposes of hiring, loading and unloading goods on rent. It is further submitted that the petitioner being owner of the said vehicle was not even aware as to what was loaded by the driver. It is next submitted that during the course of investigation no incriminating material has been recovered from the person or possession of this petitioner, which connects his complicity in the present crime. It is also submitted that though the F.I.R. has been instituted on 19.02.2022 but surprisingly the seizure list was prepared on 20.02.2022, which raises suspicion about the truthfulness of the persecution case. It is lastly submitted that this petitioner is in custody since 18.01.2022, though the investigation of the crime is already completed and the charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that the Pick-Up Van,



in which the motor pump were found, belongs to the petitioner.

Having considered the submissions made on behalf of the parties and taking into account the fact that the Pick-up Van was plying on hiring/rent and moreover, neither the petitioner was arrested at the spot nor any incriminating material has been recovered from his conscious or constructive possession and he is in custody since 18.01.2022, 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 Judicial, Magistrate, Aurangabad in connection with Haspura P. S. Case No. 42 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.

- (v) 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 cancelling 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.

(Harish Kumar, J)

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