

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25898 of 2022

Arising Out of PS. Case No.-5 Year-2022 Thana- KAKO District- Jehanabad

Rakesh Kumar S/o Awadhesh Singh R/o village- Baligaw, P.S.- Ayar, District-
Bhojpur (Ara)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mrs.Alka Singh, Advocate
For the Opposite Party/s : Mr.Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The petitioner is in custody in connection with
Kako P.S. Case No. 5 of 2022 under section 379 of the Indian
Penal Code and charge-sheet submitted under sections 379, 411,
34 of the Indian Penal Code.

As per the allegation in the FIR, the informant who
is having cement shop on 8.1.2022 had parked his tractor with
trolley loaded with 150 kg. Ultratech Cement. On the next day,
when he came there to open his shop, the said tractor was
missing. Accordingly, the FIR was lodged. Subsequently, the
tractor and trolley were recovered/seized in Sonapur and the



petitioner was apprehended and made an accused in this case.

Learned counsel for the petitioner submits that although recovery/seizure has been shown at Sonapur and the seizure witnesses are residents of at Jehanabad and his own brother-in-law and the further document that has been annexed along with bail application clearly shows that the seizure list witness was working in Jehanabad on that day. There is thus no question of his presence at Sonapur. He further submits that in any case, he has been in custody since 11.1.2022 (as stated in para-13 of the bail application).

Taking into account the aforesaid facts as also that he is in custody since 11.1.2022 and the charge-sheet stands submitted, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of the learned A.C.J.M.-I, Jehanabad, in connection with Kako P.S. Case No. 5 of 2022 subject to the following conditions:

(i) one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;



(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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