

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26257 of 2022

Arising Out of PS. Case No.-228 Year-2020 Thana- BARUN District- Aurangabad

MUNNA PAL Son of Rigu Pal R/o village - Harpur, P.S.- Itadhi, District -
Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate
For the State : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

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

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Barun P.S. Case No. 228 of 2020 registered for the alleged offences under Section 379 of the Indian Penal Code.

As per prosecution case, unknown thieves committed theft of the tractor of the informant. Later on, the name of this petitioner along with other co-accused persons transpired as accused involved in the theft.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. The petitioner



has been named in this case on the basis of confessional statement of co-accused Banarsi Bind and recovery of tractor has been made from the house of co-accused Manish Ram. Nothing incriminating has been recovered from this petitioner. On the basis of confessional statement of co-accused Banarsi Bind, the petitioner has been dragged in another case registered under Sections 379, 411, 401, 413 and 414 of the Indian Penal Code Sonhan P.S. Case No. 757 of 2020 and in that case the petitioner has been granted bail by the learned court below. Thus, there is no legal evidence and cogent material against this petitioner who is in custody since 29.11.2021. Other co-accused persons namely Manish Ram and Banarsi Bind have been granted bail by a Coordinate Bench vide order dated 11.07.2022 passed in Cr. Misc. No. 13595/2022 and vide order dated 18.07.2022 passed in Cr. Misc. No. 18597/2022, respectively.

Learned APP for the State opposes the prayer for bail of the petitioner.

Having regard to the submission made hereinabove and considering the submission of charge sheet as well as period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in



connection with Barun P.S. Case No. 228 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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