

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28936 of 2022

Arising Out of PS. Case No.-64 Year-2022 Thana- KAHALGAON District- Bhagalpur

Rahul Kumar @ Buntty Son Of Sunil Singh Alias Suneel Singh Resident Of
Village- Naya Tola Bholsar, P.S. - Kahalgaon, District - Bhagalpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indeshwari Prasad Mandal, Advocate
For the Opposite Party/s : Mrs. Renuka Ratnakar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 29-08-2022 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 Kahalgaon/Rasalpur P.S. Case No. 64 of 2022 registered for the alleged offences under Sections 379 and 34 of the Indian Penal Code and later on, Section 411 was added.

As per the prosecution case, the trailer of the informant was stolen and on inquiry, the informant saw on CCTV footage the petitioner talking to a tractor driver who took away his trailer. On query from the petitioner, he said that he was instructed by co-accused Alok kumar to tag the trailer with



the tractor, the details of which were given by the co-accused and he did so.

The learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. No theft was committed by this petitioner and whatever he did, he did in his good faith. No offence under Section 379/34 of the Indian Penal Code is made out against this petitioner. The petitioner is in custody since 25.01.2022 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail submitting that the petitioner was seen in CCTV footage.

Having regard to the submissions made on behalf of the parties and considering the period of his custody along with submission of charge sheet, 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, Bhagalpur in connection with Kahalgaon/Rasalpur P.S. Case No. 64 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and 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 Sunil Singh, father of the petitioner, who has sworn the affidavit in this case.

(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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