

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41392 of 2021**

Arising Out of PS. Case No.-8 Year-2021 Thana- AMAS District- Gaya

RAKESH KUMAR SINGH Son of Ramnandan Singh Resident of Village-
Gadih, P.S.- Salaiya, Distt.- Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

3 02-03-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner, who is in custody since 08.01.2021, seeks
regular bail in connection with Amas P.S. Case No. 08 of 2021
registered for offences punishable under Sections 394 and 411
of the Indian Penal Code.

Prosecution case, in brief, is that four persons stopped
the truck driven by the informant. Truck was recovered from the
possession of the petitioner and seizure list was accordingly,
prepared.

Learned counsel appearing on behalf of the petitioner
submits that petitioner has clean antecedent and has falsely been



implicated in the present case due to some trade enmity. There is general allegation against the petitioner. Petitioner was forced to put his signature on the seizure list in police custody. The same has no evidentiary value. He further submits that the said truck in question was lying abundant at the place from where it was recovered. Petitioner is not named in the F.I.R.

Learned A.P.P., for the State has opposed the prayer for grant of bail to the petitioner. He submits that seizure was affected in presence of two witnesses in accordance with law and as such the same cannot be denied. The petitioner does not deserve to be released on bail.

Considering the rival submissions of the parties as well as from the perusal of the F.I.R. it appears that F.I.R. has been lodged against unknown persons however, recovery has been made from the possession of the petitioner who is in custody since 08.01.2021. Without going into the merits of the case, the petitioner, above named, is directed to be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Sherghati at Gaya in connection with Amas P.S. Case No. 08 of 2021 subject to the following conditions:



(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(Purnendu Singh, J)

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