

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31695 of 2022**

Arising Out of PS. Case No.-928 Year-2021 Thana- TURKAULIYA District- East
Champaran

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HIMANSHU KUMAR S/o Rajesh Kumar Shrivastava @ Brajesh Kumar
Resident of Village- Jaisinghpur Tola Madhopur, P.S.- Turkauliya, District-
East Champran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Adv.

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 31-08-2022 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in a case registered for
the offence under Sections 413, 44 and 34 of the Indian
Penal Code and Section 25(1-b)a, 26 and 35 of the Arms Act.

The vehicle bearing no. BR05GA8384 of the
informant is said to have been stolen.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case. He further submits that the
petitioner has not been named in the F.I.R. but merely on the
basis of confessional statement of the co-accused, Aman
Kumar Patel, he has been made accused in this case. He



further submits that, in fact, nothing incriminating as alleged in the F.I.R. has been recovered from the conscious possession of the petitioner rather the vehicle in question has been recovered from the hosue of the co-accused, Aman Kumar and this petitiioiner has no concern at all with the alleged recovery. The petitioner is rotting in judicial custody since 13.01.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries three more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Turkauliya P.S. Case No. 928 of 2021 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled



by the Court below.

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

And, further condition that 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 cancellation 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.

(Rajesh Kumar Verma, J)

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