

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32544 of 2022

Arising Out of PS. Case No.-716 Year-2021 Thana- DEHRI TOWN District- Rohtas

Om Prakash Kumar, aged about 25 years (male), Son of Manoj Kumar Seth
@ Manoj Kumar, Resident of Mohalla - Pali Road Ward no.23, Near
Vishwakarma Temple, Dehri, P.S.- Dehri Town, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Prasad Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

2 31-08-2022 Heard Mr. Jitendra Prasad Singh, learned counsel

appearing on behalf of the petitioner and Mr. Rabindra Kumar,

learned A.P.P. for the State.

Petitioner, who is in custody since 11.12.2021, seeks
regular bail in connection with S.Tr. No. 94 of 2022 arising out
of Dehri Town P.S. Case No. 716 of 2021 registered for offences
punishable under Sections 379, 413 and 414/34 of the Indian
Penal Code.

As per the allegation made in the F.I.R., the petitioner
was found in possession of master key and on suspicion he was
taken into custody. Three motorcycles were recovered from the
house of the petitioner and five motorcycles were recovered
from the house of one co-accused namely, Upendra.
Accordingly, two seizure lists were handed over to the
petitioner.



Learned counsel appearing on behalf of the petitioner submits that the petitioner was standing near mall and he had no intention to commit theft of the vehicle. On mere suspicion, the police has arrested the petitioner and forced him to sign on the seizure list in custody. He further submits that one co-accused Gopal Chandrabanshi against whom similar allegation was made in the F.I.R. has already been granted bail by a co-ordinate Bench of this Court vide order dated 17.08.2022 passed in Cr. Misc. No. 31617 of 2022. Petitioner has clean antecedent and he is in custody since 11.12.2021.

Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

Taking into consideration the vehicles which have been shown in the seizure list are not stolen vehicles, the persons in whose name the vehicles are registered have not lodged any F.I.R. with respect to the alleged theft of their vehicles, only key which has been alleged in the F.I.R. to be the master key was recovered from the possession of the petitioner, one co-accused Gopal Chandrabanshi against whom similar allegation was made in the F.I.R. has already been granted bail by a co-ordinate Bench of this Court vide order dated 17.08.2022 passed in Cr. Misc. No. 31617 of 2022, charge-sheet



has already been submitted and the trial is not likely to be concluded in near future, 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 Additional District and Sessions Judge-IV, Rohtas at Sasaram in connection with S.Tr. No. 94 of 2022 arising out of Dehri Town P.S. Case No. 716 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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