

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35819 of 2022

Arising Out of PS. Case No.-384 Year-2022 Thana- ALAMGANJ District- Patna

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Guddu Kumar, S/o- Motilal Yadav, R/o- Village - Musalahpur, Chai Tola,
P.S.- Kadamkuan, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mrs.Pushpa Sinha-1, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 19-12-2022 This petition has been taken up for out of turn hearing on a supplementary affidavit being moved on behalf of the petitioner that the daughter of the petitioner is suffering from brain tumor and the doctor has referred her to the higher centre/AIIMS, New Delhi for further evaluation and treatment and there is no male member in the family who can take the daughter of the petitioner to AIIMS, New Delhi for better medical treatment.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

Let the defect(s), if any, as pointed out by the office be removed within four weeks.

In the present case, the petitioner seeks bail in connection with Alamganj P.S. Case No. 384 of 2022 registered for the alleged offences under Sections 379 and 411 of the



Indian Penal Code.

As per prosecution case, twenty beds of the emergency ward of N.M.C.H, Patna were stolen and three miscreants were seen in the CCTV footage taking the beds on a pick-up van. The name of the petitioner transpired during investigation as the person from whose shop the stolen beds were recovered.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case as he runs a scrap (*kabadi*) shop and he has no means to ascertain whether the beds brought before him were scrapped or stolen property. The FIR was registered after nine days of the occurrence for which there is no explanation. The name of the petitioner transpired during investigation in the confessional statement of co-accused Rikka Kumar. From late filing of the FIR, it is also apparent that the said co-accused was in connivance with the staffs of the hospital and when some dispute arose amongst them, the matter was reported to the police. Moreover, the prosecution story is not believable that in the midday, twenty beds were stolen in full public view. The petitioner is in custody since 19.05.2022. The charge sheet has been submitted. The petitioner has got no criminal history.



Learned A.P.P. opposes the prayer for bail.

Having regard to the submissions made on behalf of the parties and considering the clean antecedent of the petitioner and submission of charge sheet along with the period of his custody, the petitioner 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 Additional Chief Judicial Magistrate-1, Patna City, in connection with Alamganj P.S. Case No. 384 of 2022, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) 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)

V.K.Pandey/-

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