

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50417 of 2022

Arising Out of PS. Case No.-262 Year-2022 Thana- BARUN District- Aurangabad

SANJEET KUMAR @ BIRBAL KUMAR Son of Vishwanath Singh,
Resident of Village - Sahashpur, P.S.- Barun, District - Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Veena Kumari Jaiswal

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-12-2022 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Barun P.S. Case No. 262/2022, registered for the offence punishable under Section 379 of the Indian Penal Code.

The allegation is regarding the accused persons including the petitioner herein having stolen the truck in question, which was loaded with sand, from the police custody.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 15.7.2022. The



learned counsel for the petitioner has further submitted that though the petitioner is an accused in one another case, but the offence charged therein is compoundable and the bail application of the petitioner is pending before the learned court below for consideration. The learned counsel for the petitioner has further submitted that he has instructions to submit that the said sand laden truck, alleged to have been stolen from police custody, has already been recovered and is at the moment in the custody of the police. It is also submitted that the name of the petitioner has transpired in the present case, upon disclosure made by the co-accused person, namely, Rahul Kumar, in his confessional statement, hence, the petitioner is having no complicity in the matter.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the



petitioner and taking into account the materials available on record as also considering the fact that the name of the petitioner appears to have transpired upon the confessional statement made by the co-accused person, namely, Rahul Kumar, the sand laden truck is stated to have already been recovered by the police, a fact which is required to be verified by the learned court below at the time of releasing the petitioner on bail and moreover, the petitioner is stated to be languishing in custody since 15.7.2022, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Aurangabad in connection with Barun P.S. Case No. 262 of 2022.

(Mohit Kumar Shah, J)

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