

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52328 of 2022

Arising Out of PS. Case No.-159 Year-2022 Thana- BELA District- Sitamarhi

SUBODH KUMAR Son of Late Ramdyal Sah R/V- Fatehpur Girmisani, P.S-
Punaura, Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Mishra

For the Opposite Party/s : Mr.Parmanand Prasad

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-12-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

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

The petitioner seeks bail in connection with Bela
P.S. Case No. 159 of 2022 registered for the offences punishable
under Sections 413/414 of the Indian Penal Code.

As per prosecution case, the informant alongwith
police team reached at village Bhiswa Bazar where it was found
that pickup van in question carrying two buffaloes which were
alleged to be stolen buffaloes. Petitioner being a driver
apprehended alongwith other co-accused.

Learned counsel for the petitioner submits that
petitioner is in custody since 30.06.2022. Petitioner bears no



criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that petitioner is innocent and has committed no offence as alleged in the F.I.R. Petitioner was driver-cum-owner of the said pickup van and the pickup van was hired by co-accused Ranjeet Kumar and petitioner has no knowledge regarding the fact that the buffaloes which were carried on pickup van were stolen buffaloes.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of the petitioner, argument advanced on behalf of the parties and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi/concern court in connection with Bela P.S. Case No. 159 of 2022, subject to following



conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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