

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.55197 of 2022**

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

Rahul Kumar @ Guddu Kumar, son of Kamlesh Yadav, Resident of Village-
Nararikala, P.S.- Nararikala, Khurd, District- Aurangabad (Bihar)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Lal Bahadur Singh, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 16-12-2022 Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Barun P.S. Case No.262/2022 registered for the offences punishable under Section 379 of the Indian Penal Code. He is in custody since 29.07.2022. He has got no criminal antecedent.

Learned counsel for the petitioner submits that as per the prosecution story, the informant was posted as Mining Police and in course of duty he seized a 14 wheeler truck bearing no. BR-24GB-2342 loaded with sand in connection with Barun P.S. Case No.260/2022. It is further stated that the said seized truck was parked at Western side of canal bridge at Barun block under the care of informant where Chandan Kumar,



Shashi Kumar @ Gabbar, Chandan Kumar, Birbal Kumar, Deepak Kumar, Guddu Kumar (petitioner) and Anshu Kumar came there and fled away with the said truck.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that the petitioner has no concern with the seized truck and nothing has been recovered from his possession. It is submitted that the petitioner is in custody since 29.07.2022 having no criminal antecedent.

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

Having regard to the facts and circumstances of the case, the nature of the allegation in which the petitioner has remained in custody since 29.07.2022, he has otherwise no criminal antecedent and his presence may be secured in course of trial, hence, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Aurangabad in connection with Barun P.S. Case No.262/2022, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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