

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 60618 of 2022

Arising Out of PS. Case No.-32 Year-2022 Thana- MAHINDWARA District- Sitamarhi

Jairam Kumar @ Jay Ram Kumar Son of Ramvilas Sah Resident of Village-
Mahesha Farakpur, P.S.- Runnisaidpur, District- Sitamarhi-843117

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subodh Kumar, Advocate

For the Opposite Party/s : Mr.Md. Anbzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-12-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 414,379,411/34 of IPC.

The prosecution case, in short, is that on 16.02.2022 while the informant with other police forces were on night patrolling, got confidential information that a tempo with stolen pumping set is going towards Muzaffarpur and to verify that information when he reached at Maheshjafarpur Bramha Asthan, saw that three persons on a tempo were coming and on seeing the police party they fled after leaving the said tempo and on search two pumping set in abandoned condition and water throwing fans were recovered. The said tempo with loaded articles were seized.



Learned counsel for the petitioner submits that petitioner has clean antecedent. He has falsely been implicated in the present case. Further submits that the recovery has been made from the tempo in question and not from petitioner's possession and the petitioner is not apprehended at the spot. Further submits that the petitioner is not named in the FIR. The name of the petitioner has been transpired during investigation on the basis that the petitioner is driver of the tempo in question and the petitioner has no concern at all with the alleged recovery.

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

Considering the aforesaid facts, nothing has been recovered from conscious possession of the petitioner and his name has been transpired during investigation on the basis that the petitioner is driver of the tempo in question, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Mahindwara P.S.



Case No. 32 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the Court below.

(2) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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 antecedents, 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.

(Rajesh Kumar Verma, J)

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