

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67972 of 2021

Arising Out of PS. Case No.-51 Year-2018 Thana- KHUDAGANJ District- Nalanda

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HARI PRASAD S/o Parmeshwar Mahto Resident of Village - Musehaini, P.S.
- Warachatti, District - Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Vinod Kumar, Advocate
		Mr. Bindeswari Singh, Advocate
For the Opposite Party/s	:	Mr.Uma Shankar Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 19-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Khudagani P.S. Case No. 51 of 2018 registered for the alleged offences under Sections 379 and 34 of the Indian Penal Code but charge sheet has been submitted under Sections 395, 412 and 413 of the Indian Penal Code.

As per prosecution case, the Bolero pick-up loaded with detergent was stolen by unknown thieves. The name of the petitioner transpired as an accused during investigation.



Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case merely on the basis of confessional statement of co-accused Shahwaz Alam who disclosed that the petitioner purchased the said vehicle from him. The stolen vehicle has been recovered from the possession of this petitioner and Warachatti P. S. Case No. 351 of 2018 has been registered against the petitioner in which he has been granted bail. Charge sheet has been submitted in this case and the petitioner is in custody since 14.08.2021.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the name of the petitioner transpired in the confessional statement of co-accused and recovery of the stolen vehicle has been made from this petitioner. However, he further submits that the petitioner has been granted bail in the case registered for offences under Sections 395, 412 and 413.

Having regard to the fact and circumstances and submission made on behalf of the parties and further considering the fact that petitioner is alleged to have purchased stolen property in which he has been granted bail in Warachatti P. S. Case No. 351 of 2018 and nothing further has been alleged against him and also considering his period of custody, the



petitioner above named 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 A.C.J.M, Hilsa, Nalanda in connection with Khudaganj P.S. Case No. 51 of 2018, 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)

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