

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70017 of 2021

Arising Out of PS. Case No.-8 Year-2021 Thana- AMAS District- Gaya

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AVINASH KUMAR SINGH @ CHINTU SINGH Son of Ravindra Singh
Resident of Village- Narsiha, Police Station- Aurangabad Muffasil, District-
Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binod Kumar Singh

For the Opposite Party/s : Mr.Mukesh Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 28-06-2022 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 Amas

P.S. Case No. 08 of 2021 registered for the offences punishable

under Sections 394 and 411 of the Indian Penal Code.

As per prosecution case, it has been alleged that

date and time of occurrence, when the informant (driver) along

with Khalasi was driving a truck which was laden with 13 tones

onion and was carrying it from M.P. to Kolkata and when they

reached Narayanpur turn then a white colour vehicle over took

his truck and from that vehicle four persons stepped out and

after taking control the truck they droved it away. The driver of the truck claimed to identify all the four miscreants.

Learned counsel for the petitioner submits that petitioner bears no criminal antecedent and the said FIR has been lodged against four unknown persons. Petitioner is in custody since 17.09.2021 and the name of the petitioner has been surfaced in the confessional statement of co-accused Rakesh Kumar Singh and co-accused Rakesh Kumar Singh has already been granted bail by a coordinate bench vide Cr. Misc. No. 41392 of 2021, against whom recovery has been made and he was identified on TIP. Petitioner is in custody since 17.09.2021 and the case of present petitioner stands on better footing. Neither the petitioner was arrested on spot nor incriminating articles were recovered from his possession and he was also not put up on TIP. Charge sheet has been submitted in the case and there is no likelihood of tampering the evidence.

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 and keeping in view clean antecedent of petitioner and the accused against whom recovery has been made already been granted bail, charge-sheet has

already been submitted and argument advanced on behalf of the parties, 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 Judicial Magistrate-1st Class, Sherghati, Gaya in connection with Amas P.S. Case No. 08 of 2021, subject to following conditions:-

(i) One of the bailors shall be close relative 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 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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