

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9828 of 2023

Arising Out of PS. Case No.-114 Year-2022 Thana- PIPRAKOTHI District- East Champaran

=====

DHANANJAY GIRI @ PRADIP GIRI Son of Harendra Giri R/v- Giri Tola,
Bhada, P.S.- Harsidhi, District- East Champaran, Motihari

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
31.08.2022, in connection with Pipra Kothi P.S. Case No. 114 of
2022, F.I.R. dated 20.04.2022 registered for the offences
punishable under Section 392 of the Indian Penal Code.

The prosecution case, in short, is that the truck no.
UP84T-9354 loaded with sariya iron rod about 10 tons from
Patna to Pipra Kothi, looted the truck by taking driver and the
helper in custody and left the truck in the territorial jurisdiction
of the Sahebganj Police Station. It is further alleged that on the
basis of GPS fitted on the truck, it was recovered and talk with
the driver and the helper, who stated differently which made
their involvement.



Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired only on the basis of suspicion and the criminal antecedent of the petitioner. He further submits that nothing has been recovered from the possession of the petitioner and till date no test identification was conducted by the prosecution and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 31.08.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries eight more cases other than the present one but fairly submits on the basis of paragraph-3 of the petition that out of eight cases, the petitioner is on bail only in four cases..

Considering the facts and circumstances of the case, 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, East Champaran, Motihari in connection with Pipra Kothi P.S. Case No. 114 of 2022, subject



to the 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

(3) 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)

Ibrar//-

U		T	
---	--	---	--

