

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13978 of 2023

Arising Out of PS. Case No.-149 Year-2022 Thana- AKHODHIGOLA District- Rohtas

Harender Kumar S/o Ravindra Singh R/o Village- Bhaishai Kala, P.S.-
Sasaram (Muffasil), Distt- Rohtas (Sasaram)., At present - Mathurapur
Colony, P.S.- Dalmianagar, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chakravarti Singh, Advocate

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 10-05-2023 Heard learned counsel for the petitioner, learned
counsel for the Informant and learned APP for the State.

The petitioner seeks bail in connection with Akhori
Gola P.S. Case No. 149 of 2022 registered for the offence
punishable under Section 395 of the Indian Penal Code.

The prosecution case in nutshell is that eight
miscreants confined the workers of the informant and took away
three tractors with Dalla, stone paper of Iron about 120 pieces,
4-5 Gas Cylinders and other materials from the construction
site.

Learned counsel for the petitioner submits that the
petitioner is innocent and has not committed any offence and he
has falsely been implicated in this case. The F.I.R. is filed



against unknown persons and the name of the petitioner came in confessional statement which has no evidentiary value. No incriminating material has been recovered from the petitioner and except one case of Excise Act he has clean antecedent. He has further submitted that the petitioner is in jail custody since 27.10.2022 and the charge sheet has already been submitted in this case against the petitioner. The similarly situated co-accused Pramod Kumar Pandey @ Pramod Pandey has been granted bail by the Coordinate Bench of this Court vide order dated 10.04.2023 in Cr. Miscellaneous Case No. 6144 of 2023

Learned Additional Public Prosecutor appearing for the State has opposed the prayer for regular bail of the petitioner.

Considering the facts and circumstances of the case and the submissions of learned counsel for the parties, the court is inclined to grant bail to the petitioner. Let the petitioner, above named, 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 the learned concerned Court in connection with Akorhi Gola P.S. Case No. 149 / 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.

2. Petitioner shall not tamper with the prosecution evidence in any manner whatsoever.

3. In case of absence on two consecutive dates without sufficient reason or if the petitioner misuse the liberty or violate any of the conditions imposed upon him his bail bond will be liable to be cancelled by the Court concerned.

(Sunil Dutta Mishra, J)

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