

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26755 of 2023

Arising Out of PS. Case No.-31 Year-2023 Thana- PIPRA District- East Champaran

JITENDRA KUMAR Son of Shyamji Singh R/V- Madhurapur, PS- Pipra
Dist- 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.Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since 18.01.2023 in connection with Pipra P.S. Case No. 31 of 2023, F.I.R. dated 17.01.2023 registered for the offence punishable under Sections 406,420,379 and 120(B),34 of IPC and Section 7 of E.C.Act.

The case of the prosecution, in brief, is that on 17.07.2023 at about 9.00 P.M. while the informant was on patrolling duty, he received a confidential information that after cutting gas tanker, some persons are illegally filling gas cylinder from gas tanker in village-Mahuawa. Thereafter, informant alongwith police party reached at the place of occurrence, where seeing the police party, 4-5 persons started fleeing away, but on



chase two were apprehended by the police party. On query, they disclosed their name as Arun Kumar Kushwaha@ Sunil Bhagat and Jitendra Kumar (petitioner). In presence of witnesses, on search a gas tanker, gas pipe nozzle and 38 gas cylinders were recovered from the place of occurrence.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. Further submits that the petitioner is not the licence holder of the Gas Agency so there is no case attracted under the E.C.Act against the petitioner and the petitioner was apprehended at the spot and there is non-compliance of Section 100 of Cr.P.C. and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 18.01.2023.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the aforesaid fact, 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 learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Pipra P.S. Case No. 31 of 2023 ,with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) 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.

(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 antecedent, 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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