

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29919 of 2023

Arising Out of PS. Case No.-52 Year-2022 Thana- HASPURA District- Aurangabad

MANISH KUMAR @ PANDIT Son of Sri Satyendra Prasad @ Satyendra
Yadav Resident of village - Sohe, P.S. - Jehanabad (Kadauna O.P.), Distt. -
Jehanabad

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yogendra Kumar

For the Opposite Party/s : Mr.Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 13-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Haspura P.S. Case No. 52 of 2022, G.R. No. 193 of 2022
registered for the offences punishable under Section 392/411 of
the IPC .

As per prosecution case, informant's truck loaded
with 500 bags of Mansuri rice each containing 50 kg rice was
parked on the road near the house of Bhola Verma ,village
Mohmmadpur. At about 2.30 a.m., a DCM truck came and also
parked just behind informant's truck. Some persons get down
from the DCM truck and knocked the cabin door of his truck.
When the informant opened the door of his truck, three persons



forcibly entered into his truck and pointed gun on informant. The miscreants snatched the keys of his truck, meanwhile informant saw DCM truck no. BR-02 GA-9847 from which the miscreants came. It is further alleged that miscreants tied him with gamcha and rope and stuffed clothes in his mouth and covered him in heap of straw and took away his truck. It is further alleged that when police van came informant explained the occurrence to the police and police chased the said truck and apprehended co-accused Rajnikant and he disclosed the name of petitioner and others who were involved in the said crime.

Learned counsel for the petitioner submits that petitioner is in custody since 01.03.2022 and bears criminal antecedent of seven cases in which he is on bail in all cases. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that no incriminating article has been recovered from the conscious possession of the petitioner. He further submits that petitioner is allegedly arrested from the D.C.M truck which was used in the said occurrence but he has not been put on TIP till date. He further submits that petitioner has nothing to do with the alleged occurrence. He further submits



that petitioner has been falsely implicated in the case as altercation took place between informant and petitioner due to overtaking of both the truck in question.

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, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Daudnagar, District- Aurangabad in connection with Haspura P.S. Case No. 52 of 2022, G.R. No. 193 of 2022, subject to following conditions:-

(i) One of the bailors shall be 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 without appropriate permission, 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.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(v) However, if petitioner violates any of the conditions, the concerned court is at liberty to cancel the bail bond of the petitioner.

(Alok Kumar Pandey, J)

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