

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31119 of 2023

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

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Arun Kumar Kushwaha @ Sunil Bhagat, Son of Ishwar Bhagat @ Ishwar Prasad, Resident of Village - Mahuwaha, P.S. - Pipra, District - East Champaran, Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Adv.
For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-06-2023 Heard Mr. Sharda Nand Mishra, learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner seeks regular bail, who is in custody in connection with Pipra P.S. Case No. 31 of 2023 registered for the offences punishable under Sections 406, 420, 379 and 120B/34 of the Indian Penal Code and Section 7 of the Essential Commodities Act.

On a confidential information that some persons are involved in filling the gas cylinder from a gas tanker by cutting the same, the police conducted raid and, on noticing the police



party, the accused persons trying to flee away but on chase the petitioner and one Jitendra Kumar was nabbed and others managed to escape. On search, some incriminating articles were recovered from the apprehended accused persons.

Mr. Mishra, learned counsel for the petitioner submits that the petitioner is neither the licence holder of the gas agency nor any incriminating material has been recovered from his conscious physical possession. Hence, no offence under Essential Commodities Act is made out. He further submits that there are various infirmities and discrepancies in the search and seizure. He next submits that co-accused Jitendra Kumar, who was apprehended along with the petitioner, has been enlarged on bail by a Co-ordinate Bench of this Court vide order dated 23.05.2023 passed in Cr. Misc. No. 26755 of 2023. He lastly submits that the petitioner is in custody since 18.01.2023 and the charge-sheet has already been submitted.

Learned counsel for the State opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that the case of the petitioner is on identical footing to that of co-accused Jitendra Kumar, who has been allowed the privilege of bail, coupled with



the fact that the investigation of the crime is complete and the charge-sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., East Champaran, Motihari in connection with Pipra P.S. Case No. 31 of 2023 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail



bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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