

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29799 of 2023

Arising Out of PS. Case No.-712 Year-2022 Thana- BELAGANJ District- Gaya

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DHARMENDRA KUMAR Son of Jitendra Prasad @ Dev nand Yadav
Resident of Village - Ghughari Tand, Chandchaura, P.S.- Vishnupad, District -
Gaya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raj Krishna Jha

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Learned counsel for the petitioner is permitted to
make necessary correction in the array portion of the bail
petition during course of the day.

The petitioner seeks bail in connection with Belaganj
P.S. Case No. 712 of 2022 registered for the offences punishable
under Sections 379 of Indian Penal Code.

As per prosecution case, the Tempo of the
informant bearing Registration No. BR01PH-0848 was parked
outside his house at night and in the morning he found that his
Tempo was missing. He called his driver namely Saurav and
driver disclosed the fact that two days ago one Dharmendra



Yadav threatened him to not run his Tempo. Informant has suspicion that present petitioner has stolen the said Tempo.

Learned counsel for the petitioner submits that petitioner has been remanded in this case on 07.02.2023 from Delha P.S. Case No. 475 of 2022. Petitioner bears one criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the petitioner is innocent and has falsely been implicated in the present case and has committed no offence as alleged in the F.I.R. Nothing has been recovered from the conscious possession of the petitioner. Petitioner has falsely implicated in this case on the basis of suspicion. Except suspicion there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence.

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 as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of the parties and also taking into consideration the material available



on record, 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, Gaya in connection with Belaganj P.S. Case No. 712 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.

(Alok Kumar Pandey, J)

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