

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36523 of 2023

Arising Out of PS. Case No.-55 Year-2023 Thana- VISHNUPAD District- Gaya

Prakash Kumar S/O Late Kanhaiya Prasad, R/O Mohalla- Gumti No.-01, P.S-
Kotwali, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priya Ranjan, Advocate

For the Opposite Party/s : Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 24-06-2023 Let the defect, if any, be removed within two weeks
from today.

2. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

3. The petitioner seeks regular bail in connection with
Vishnupad P.S. Case No. 55 of 2023 dated 13.02.2023 lodged
under Sections 461 and 379 of the I.P.C.

4. As per the prosecution, F.I.R. has been lodged
against unknown persons against whom allegation of theft of
Pan Masala from the godown of the informant amounting
Rs.31,00,000/- is there in the F.I.R., in addition to that Rs.
3,50,000/- was also subject to theft from the locker.

5. Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He further

submits that the name of the petitioner has figured in this case by virtue of the confessional statement of the co-accused to whom police has apprehended near a truck. He further submits that petitioner is in custody since 20.02.2023 and there are three criminal antecedent of the petitioner in which he is on bail. He further submits that both the sections, in which F.I.R. has been lodged, are Magisterial triable. Counsel further submits that nothing incriminating has been recovered from possession of the petitioner nor he was put on T.I.P.

6. Learned counsel for the State opposes the prayer for bail.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate Ist Class-cum- A.M.II, Gaya, in connection with Vishnupad P.S. Case No. 55 of 2023, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates

without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

(Dr. Anshuman, J.)

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