

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45890 of 2022

Arising Out of PS. Case No.-236 Year-2022 Thana- BARUN District- Aurangabad

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DINESH PRASAD S/o Hirdayanand Prasad Resident of Village- Rukundi,
P.S.- Bandaya, District- Aurangabad, Bihar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Akhilesh Kumar Pandey

For the Opposite Party/s : Mr.Md. Fahimuddin

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 04-02-2023 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

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

The petitioner seeks bail in connection with Barun
P.S. Case No. 236 of 2022 registered for the offences punishable
under Sections 392 of the I.P.C.

As per prosecution case, four unknown miscreants
came on a Maruti Suzuki car and took away the informant's
Trailer loaded with steel worth Rs 22,00,314/-.

Learned counsel for the petitioner submits that
petitioner is in custody since 13.06.2022. Petitioner bears no
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 not named in the F.I.R. Name of present petitioner has been transpired during course of investigation. Except suspicion, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. Petitioner is quite innocent and has committed no offence as alleged in the F.I.R. Nothing has been recovered from the conscious possession of the petitioner. No T.I.P. has been made till today. Petitioner is no way concern with the alleged occurrence. Co-accused Amit Kumar has already been granted bail vide Cr. Misc. No. 51989 of 2022 by a co-ordinate bench of this Court and the case of present petitioner stands more or less on similar footing.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner conceded that the recovery has been made prior to confession and petitioner and others were apprehended after the recovery of alleged trailer and then confession was taken.

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, keeping in view clean antecedent of the



petitioner, co-accused has already been granted bail, 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 C.J.M., Aurangabad in connection with Barun P.S. Case No. 236 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) The petitioner has to give declaration regarding the fact that nothing has been recovered upon the confessional statement of petitioner.

(v) The trial court is directed to verify that whether



the alleged recovery is made upon the confession of the petitioner or not. If recovery has been made upon the confession of the petitioner, the bail bond of the petitioner shall be cancelled.

(Alok Kumar Pandey, J)

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