

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53247 of 2022

Arising Out of PS. Case No.-262 Year-2022 Thana- BARUN District- Aurangabad

Deepak Kumar S/o Indrajeet Singh @ Indrajit Singh Resident of Village-
Sahashpur, P.S.- Barun, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 20-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Barun P.S. Case No. 262 of 2022 registered for
the alleged offences under Section 379 of the Indian Penal
Code.

As per prosecution case, the petitioner and other co-
accused persons fled away with a truck laden with sand from the
police custody which was earlier seized by the police.

The learned counsel for the petitioner submits that the
petitioner has been falsely implicated in this case and he has
nothing to do with the stolen truck or the sand loaded on it. The



stolen truck was recovered from the possession of co-accused Rahul Kumar, who admitted his guilt and confessed that he took away the truck along with other co-accused persons. The ownership of the truck belongs to the co-accused Chandan Kumar and petitioner has no reason to steal away the truck from the custody of the police. The learned counsel further submitted that the prosecution story about informant identifying the petitioner in torch light is not believable and co-accused Sanjeet Kumar @ Birbal Kumar has been granted bail by a Co-ordinate Bench vide Cr. Misc. No.50417 of 2022 and co-accused Guddu Kumar @ Amit Kumar Singh has been granted bail by the learned court below vide Bail Application No. 1427 of 2022. The petitioner is in custody since 18th of July, 2022 and the charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the petitioner is having criminal antecedent of four cases of serious nature.

Perused the records.

Having regard to the submissions made hereinabove and considering the period of custody of the petitioner and submission of charge sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs.



20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad/Court concerned in connection with Barun P.S. Case No. 262 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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