

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60063 of 2022

Arising Out of PS. Case No.-330 Year-2021 Thana- SHIVSAGAR District- Rohtas

Sonu Kumar Son of Balkeswar Yadav R/V- Amarpur, P.S- Rafiganj, Dist-
Aurangabad, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gaurav Pratap, Adv.

For the Opposite Party/s : Mr. Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

5 24-02-2023 Learned counsel for the petitioner submits that the date of custody has wrongly been typed due to which he filed supplementary counter-affidavit.

As such, the date of custody may be read as 05.07.2022.

Let the defect(s), if any, be removed within two weeks from today.

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

The petitioner seeks regular bail in connection with Shoesagar P.S. Case No. 330 of 20221 lodged under Sections 379, 461 of the I.P.C.

As per the prosecution case, the allegation made in the F.I.R. against the unknown criminals who have broken the gas

godown and 3 *tempo* as well as 97 gas cylinders was alleged to subject of theft in this case.

Learned counsel for the petitioner submits that he is not named in the F.I.R. He submits that during investigation 1 Tempo which is subject to theft has been recovered from the possession of the petitioner.

Counsel further submits that out of 3 alleged vehicle, 2 belongs to Bihar and one belongs to Jharkhand. He submits that there is one criminal case pending against the petitioner in which he is on bail. He further submits that petitioner is in custody since 05.07.2022. The section in which the case has been filed are magisterial triable in nature.

Upon specific query whether charge has been framed or not. Counsel submits that as per his knowledge, charge-sheet has been submitted but charge has not been framed.

Learned counsel for the State opposes the prayer for bail and submits that the gas cylinder is the asset of the country.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner. Therefore, the bail application of the petitioner is hereby rejected but liberty is hereby granted to the petitioner that he may renew his prayer for bail after framing of charge.

The Trial Court is directed to release him on bail imposing its own conditions, so that he may not evade his appearance during trial.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

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