

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.555 of 2022

Arising Out of PS. Case No.-282 Year-2021 Thana- PURNEA SADAR District- Purnia

Dhiraj Kumar Sada Son of Ram Prit Sada Resident of Govindpur, Ward No.
-3, P.S.- Mansoor Chak, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate

For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 13-02-2023 Learned counsel for the petitioner is permitted to remove the defects, as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 379, 411/34 of the Indian Penal Code.

Allegation against the petitioner is that the petitioner being the driver of the truck which is loaded with maize of the informant disappeared with the truck and the value of maize is Rs. 4,07,932/- of the informant.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely



implicated in the present case. He further submits that the the alleged date of occurrence is 21.05.2021 but the present F.I.R. was instituted on 09.06.2021 after delay of 19 days without giving any explanation of delay. He further submits that in fact the petitioner has purchased the truck in question from Mudo Sahni and the allegation as alleged in the F.I.R. is that the Modu Sahni has taken away the truck in question from the possession of the petitioner and the petitioner has no role at all in the present occurrence. He further submits that it has come during investigation that Modu Sahni has paid the amount to Birendra Kumar Jain, the informant of this case and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 01.07.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, 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 Court below where the case is pending in connection with Sadar P.S. Case No. 282 of 2021, with the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and



on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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