

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63939 of 2022

Arising Out of PS. Case No.-25 Year-2022 Thana- KARANDAY District- Sheikhpura

GUDDU KUMAR @ GUDDU RAM Son of Satendra Ram Resident of
Village - Gokhula, P.S.- Sikandra, District - Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-04-2023 Heard learned counsel for the petitioner and the
learned APP for the State

The petitioner apprehends his arrest in connection with Karandey P.S. Case No.25 of 2022 instituted under Section 414 of the IPC lodged on 08.05.2022 by the informant, Sunil Kumar Singh.

As per the prosecution story, when the informant proceeded for patrolling duty along with other armed forces, got secret information that few persons are coming from Jamui Sikandra to Sheikhpura carrying stolen batteries. To verify the said information, he reached near Jogdev Petrol pump and saw a red colour vehicle coming from Sikandra. He indicated to stop the vehicle which however took U-turn and raced towards Sikandra. The vehicle was chased and caught on NH-333 A near Uksi village. The driver and other persons of the vehicle tried to



escape but were chased and one of them was caught. He was Ramesh Mistri. He gave the name of other person as Raj Kumar, Guudu Kumar (the petitioner herein), Niraj Kumar, Anuj Kumar and Vikash Kumar. In presence of nearby person, search of vehicle (bearing No- JH-0900-1400) was made and three batteries and other articles recovered and accordingly seizure list was prepared. Arrested person could not produce any document relating to seized articles. The apprehended person stated that it was stolen by Guddu Kumar, Dhiraj Kumar, Rajnish Yadav, Anuj Kumar and Vikash Kumar. He also informed that Vikash Kumar is contractor of Jio-company and used to commit theft of batteries from different places including Sheikhpura. Accordingly, the FIR.

Learned counsel for the petitioner submits that although in the petition it was stated that the petitioner do not have criminal antecedent, later it came to knowledge that he has criminal antecedent which has been incorporated in para-2 of the supplementary affidavit.

The name of the petitioner has come in the confessional statement of Ramesh Mistry who was apprehended by the police.

Learned counsel for the petitioner submits that to save his skin, Ramesh Mistry gave his name, he is an agriculturist, do



not have anything to do with the present case and is ready to abide by all the terms and conditions, if granted relief.

Learned APP submits that considering the fact that now it has come that he has criminal antecedent he does not deserve relief.

Taking into account the fact that his name has come in the confessional statement, the FIR has been filed, ultimately he has to face the trial, this Court is inclined to extend him relief subject to condition that the petitioner shall appear before the concerned police station every fortnight for next one year to mark attendance

Let the petitioner be released on bail, in the event of his arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Karandey P.S. Case No.25 of 2022 to the satisfaction of learned Judicial Magistrate, Ist Class, Sheikhpura, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Prakash Narayan /-

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