

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75750 of 2023**

Arising Out of PS. Case No.-43 Year-2020 Thana- DEHRI TOWN District-
Rohtas

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ABHAY KUMAR @ KUMAR S/o Ajay Singh R/o vill - Mahadeva, P.S. - Dehri
Nagar, Distt. - Rohtas at Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Babu Nandan Prasad
For the Opposite Party/s : Mr.Arun Kumar

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-11-2023 Heard Mr. Babu Nandan Prasad, learned counsel

for the petitioner and Mr. Arun Kumar, learned A.P.P. for the

State.

The petitioner apprehends his arrest in connection

with Dehri Nagar P.S. Case No. 43 of 2020 registered for the

offence under Sections 379 and 411 of the Indian Penal

Code.

The case relates to commission of theft of tractor of

the informant which is said to be recovered and the

petitioner was found involved in the alleged theft of the

tractor in question.

Learned counsel appearing for the petitioner

submits that the petitioner is innocent and has falsely been



implicated in this case. He further submits that the name of the petitioner surfaced in this case on the basis of disclosure made by the co-accused, namely, Ravi Ranjan Kumar @ Ghura. He further submits that the petitioner was not involved in the alleged occurrence. Save and except the confessional statement of the co-accused, no cogent material has surfaced during course of investigation suggesting the involvement of the petitioner in the alleged occurrence. Therefore, no case under Section 379 of the I.P.C. is made out against the petitioner.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner, in the event of his arrest or surrender before the court below within a period of four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Dehri -on- Sone, Rohtas in connection with Dehri Town P.S. Case No. 43 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

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 antecedent, 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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