

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73048 of 2023

Arising Out of PS. Case No.-436 Year-2023 Thana- TEKARI District- Gaya

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AVINASH KUMAR @ LADDU KUMAR @ LADDU SINGH SON OF
SHYAM SUNDAR SHARMA RESIDENT OF VILLAGE- KESHPA, P.S.-
ALIPUR, DISTRICT- GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Priya Ranjan, Advocate

For the Opposite Party/s : Mr.Mithlesh Kumar Khare, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-11-2023 Heard the parties.

2. The petitioner is in judicial custody in connection with Tekari P.S. Case No. 436 of 2023 for the offence punishable under Sections 414, 420 and 34 of the Indian Penal Code lodged on 13.7.2023 by the informant, Ram Raj Singh.

3. As per the prosecution story, the allegation is that a truck was stationed in a suspicious condition and when the police party reached there, a person was sitting inside the cabin, he disclosed his name as Avinash Kumar, the petitioner and further stated that his friend Dilip Khan lured him to purchase the truck at Rs. 2,50,000/- which actually came out to be a stolen truck. He also gave the original number as JH10Z1220. Accordingly, the FIR.



4. Learned counsel for the petitioner submits that though words have been put in his mouth, the fact remains that under bona fide belief, he went to purchase a truck little realizing that it is a stolen one and has already suffered by being in custody since 14.7.2023 (para-12 of the petition).

5. Learned APP opposes the prayer for bail.

6. Taking into account the aforesaid facts that allegation against him for purchasing a stolen truck, FIR lodged, will be facing the trial and is in custody since 14.7.2023, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned ACJM-VI, in connection with Tekari P.S. Case No. 436 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his



bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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