

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74386 of 2022

Arising Out of PS. Case No.-556 Year-2022 Thana- KANTI District- Muzaffarpur

DANISH @ MD. DANISH Son of Md. Zakir @ Zakir Hussain R/V- Hassan
Chak Bangra, P.S- Sadar, Dist- Muzaffarpur Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-04-2023 Heard the parties.

The petitioner is in custody since 16.08.2022 in connection with Kanti P.S. Case No. 556 of 2022 under Section 392 of the Indian Penal Code lodged on 14.08.2022 by the informant Hari Om Choudhary.

Prosecution case, in brief, that one Hari Om Choudhary lodged a written report addressed to the S.H.O of Kanti Police station stating therein that on 13.08.2022 his transport prepared a bulky for carrying 600 bags of rice weighed about 295.95 quintal, worth of Rs. 5,56,000/- on a truck bearing registration No. PB03BC-8391 and owner of Truck is Sajid Khan and driver Kamal Singh.

On 14.08.2022, driver called him from Chakiya that while he was passing through Narsanda Bridge miscreants who came on Bolero abducted him and threw him out near Chaiya and went away with the truck. The driver also informed the trader. Accordingly, the FIR.



It is contended by the learned counsel for the petitioner that he is in employment of Kamal Singh being his driver and was also present at the time of loading of the materials. Further, through he was present at the time of loading of bags but was not recognized by the trader. Further submission is that one Rahul Kumar was apprehended by the police who confessed his involvement in the case but did not name him. The last submission is that he is in custody since 16.08.2022 (as stated in para-13 of the petition).

Learned APP opposes the prayer for bail on the ground that the petitioner carries criminal antecedent.

Considering his period of custody i.e. 16.08.2022 (para-13 of the petition) as also that Rahul Kumar who was arrested and confessed his crime but did not name this petitioner as per para-9, immediately after the occurrence upon call by the informant, he presented himself and the trader who was accompanying the truck did not recognize him, this Court is inclined to grant him the privilege of bail with condition.

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 Judicial Magistrate-Ist Class,(West) Muzaffarpur, in connection with Kanti P.S. Case



No. 556 of 2022 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/her bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for 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.

With the aforesaid observations, the application is allowed.

(Rajiv Roy, J)

Ravi/
Alok/-

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