

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1101 of 2023**

Arising Out of PS. Case No.-384 Year-2022 Thana- GAYA KOTWALI District- Gaya

Bittu Kumar, S/O Ram Briksha Sharma, R/V- Bhusunda, P.S.- Muffasil,
District- Gaya

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Ms. Indu Kumari Srivastava, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 15-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in the present case is seeking pre-arrest bail in connection with Kotwali P.S. Case No. 384 of 2022 registered for the offence punishable under Section 379 of the Indian Penal Code. He has got no criminal antecedent.

As per the prosecution story, on 24.06.2022 the informant namely Suryamani, driver of truck no. MP09HH0957 carried onion to one Pramod Kumar at Kathokhar Talab, Gaya from Nasik for which he received a sum of Rs.1,30,000/- which he kept under the driver seat. On the way, his truck got stuck in mud but he managed somehow to get the truck out of the mud. On his way to Nasik when he required some money, he searched for the bag but could not locate it. When he informed this to Pramod Kumar, he asked him to return to Gaya and after



checking the CCTV footage from the nearby places, two persons namely Kaka @ Santosh Kumar and this petitioner were found to be going with the said bag.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case.

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

Having regard to the nature of allegations and that the petitioner has no criminal antecedent, this Court directs release of the petitioner above named on bail in the event of his arrest or surrender within a period of four weeks from today in connection with Kotwali P.S. Case No. 384 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Gaya, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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