

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46463 of 2024

Arising Out of PS. Case No.-50 Year-2024 Thana- BARH District- Patna

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1. Sudarshan Lal S/o Shailendra Kumar R/o vill - Oli Bigha, PS. - Chandi, Distt. - Nalanda
 2. Aryan Raj S/o Prem Kumar R/o vill - Oli Bigha, PS. - Chandi, Distt. - Nalanda
 3. Pramod Kumar S/o Surendra Prasad R/o vill - Oli Bigha, PS. - Chandi, Distt. - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Kashyap, Advocate
For the State	:	Md. Ataur Rahman, APP
For the I.O.C.	:	Mr. Raj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-09-2024 Heard Mr. Ashok Kumar Kashyap, learned counsel for the petitioner and Mr. Raj Kumar, learned counsel for the I.O.C.L. who has filed the suo motu *vakalatnama* in the present case as well as Md. Ataur Rahman, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 21.03.2024, in connection with Barh P.S. Case No. 50 of 2024, FIR dated 20.01.2024 registered for the offence under Sections 285, 379, 511 and 120(B) of the Indian Penal Code and under Sections 15(2) and 15(4) of the Petroleum and Minerals Pipe Line (Acquisition of Right of user in land) Act, 1962.

3. As per the prosecution case, some unknown persons tried to steal the petroleum materials with conspiracy.

4. 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 petitioner has not been named in the F.I.R and the present FIR has been instituted against unknown persons and the petitioner has been implicated in the present case on the basis of the self confessional statement of the petitioner which was recorded in Athmalgola P.S. Case No.45 of 2024. He further submits that nothing has been recovered from the conscious possession or from the house of the petitioner. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 21.03.2024.

5. Learned counsel for the I.O.C. as well as learned A.P.P. for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that petitioner carries eight more cases other than the present one out of eight cases the petitioner is on bail in one case.

6. Considering the aforesaid facts, let the, above named, petitioner 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 A.C.J.M., 1st Barh in connection with Barh P.S. Case No. 50 of 2024 with the



following conditions:-

(i) 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.

(ii) 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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