

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62792 of 2024

Arising Out of PS. Case No.-10 Year-2024 Thana- PANDARAK District- Patna

Manish Kumar S/o- Sukram Yadav Village- Biskurwa PS-Belchhi District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mayashankar Mishra, Advocate
For the Opposite Party/s : Mr. Ahmad Ali, APP
For the Informant : Mr. Raj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 25-09-2024 Heard Mayashankar Mishra, learned counsel for the petitioner and Mr. Raj Kumar, learned counsel for the informant as well as Mr. Ahmad Ali, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 11.03.2024, in connection with Pandarak P.S. Case No. 10 of 2024, FIR dated 17.01.2024 registered for the offence under Sections 379, 411, 427 and 120(B) of the Indian Penal Code, under Section 3/4 of the Explosive Substance Act, under Section 15/16 of Petroleum and Minerals Pipelines Act, 1962 and under Section 3/4 of Prevention to Damage of Public Property Act.

3. As per the prosecution case, some unknown persons are involved in the theft of oil from pipe line of I.O.C.L.

4. Learned counsel appearing for the petitioner



submits that the petitioner is innocent and he has falsely been implicated in this case. He further submits that the allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that the petitioner is not named in the FIR, his name has been transpired during the investigation on the basis of the confessional statement of the co-accused person, namely, Sudesh Kumar which was recorded in Athmalgola P.S. Case No. 45 of 2024 and except the aforesaid no other cogent material has come during the investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that nothing has been recovered from the conscious possession 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 11.03.2024.

5. Learned counsel for the I.O.C.L. as well as learned A.P.P. for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submit that the name of the petitioner has been transpired in this case on the basis of the confessional statement of the co-accused person and apart from that the petitioner carries seven cases other than the



present one.

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 Judicial Magistrate, 1st Barh, Patna in connection with Pandarak P.S. Case No. 10 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)

ajay/-

U		T	
---	--	---	--

