

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50496 of 2024

Arising Out of PS. Case No.-18 Year-2024 Thana- Benibad District- Muzaffarpur

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Amit Kumar Son of Shankar Sahani R/o Village- Paga Laxmi, P.O.- Tharma,
P.S.- Benibad, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ganesh Prasad Singh, Advocate

For the Opposite Party/s : Mr. Anish Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-07-2024 Heard the learned Advocate for the petitioner and the

learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Benibad P.S. Case No. 18 of 2024, registered
for the offence punishable under Section 379 of the Indian Penal
Code.

3. Based on the written report, the prosecution alleges
that after parking the pickup Bolero van bearing Registration
No. BR06GB-1265, when the driver of the informant went to
his house, in the meantime, pickup Bolero van was found
missing, which was loaded with grocery items worth Rs. 3.25
lakhs. It is further alleged that efforts have been made to search
the vehicle, however, went in vain. In the CCTV footage, two
persons were seen taking up the pickup Bolero van.

4. Learned Advocate for the petitioner contended that



the alleged occurrence of theft has taken place on 29.04.2024, but the present FIR has instituted on 01.05.2024. Moreover, the FIR was instituted against unknown miscreants, however, later on, the name of the petitioner has surfaced on the disclosure made by a spy. Neither the petitioner has been put on Test Identification Parade nor any incriminating materials has been recovered from the person or possession. The vehicle, in question, has been recovered from the possession of co-accused *Ankit Kumar*. It is also the contention of the petitioner that offence, in question, is triable by the Magistrate and now the petitioner is in custody since 03.05.2024.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner has actively participated in the theft of the vehicle.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery of the vehicle has been made from the possession of co-accused *Ankit Kumar*, and despite the incarceration of the petitioner since 03.05.2024, he has not been put on Test Identification Parade, till date. Now the investigation of the crime is complete and charge-sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional



Chief Judicial Magistrate 10th, Muzaffarpur (East) in connection with Benibad P.S. Case No. 18 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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