

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60081 of 2024

Arising Out of PS. Case No.-387 Year-2022 Thana- PUNPUN District- Patna

Lov Kumar @ Lovkusha Kumar Son Of Munna Rai, R/V- Village- Sakin
Balwan, P.S.- Doriganj, Distt.- Saran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-09-2024 Heard Mr. Anuj Kumar, the learned counsel for the

petitioner and Mr. Shyam Kumar Singh, the learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Punpun PS Case No. 387 of 2022, FIR dated
09.10.2022, registered for the offence punishable under Section
379 of the Indian Penal Code.

3. According to the prosecution case, the Swaraj
tractor, bearing Registration No. BR01GF6040, of the
informant, which was parked near his house was stolen
overnight by unknown persons.

4. Learned counsel for the petitioner submits that
petitioner has falsely been implicated in the present case. He
further submits that petitioner is not named in the FIR and name
of the petitioner transpired during investigation on the basis of



confessional statements of the co-accused persons namely, Chandan Kumar and Mukesh Kumar. He further submits that except the aforesaid, no cogent material has come during investigation which suggests that involvement of the petitioner in the present occurrence. He lastly submits that petitioner has no concern at all with Chandan Kumar and Mukesh Kumar and he has falsely been implicated in the present case.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent of similar nature other than the present one.

6. Considering the aforesaid facts and circumstances and mainly the facts that petitioner is not named in the FIR and his name transpired on the basis of confessional statements of co-accused persons, let the petitioner, above-named, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Masaudhi, where the case is pending in connection with **Punpun PS Case No. 387 of 2022**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the



following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(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.

(iii). And further condition that the learned trial Court 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 learned trial Court 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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