

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57890 of 2023

Arising Out of PS. Case No.-440 Year-2022 Thana- SONBERSA District- Sitamarhi

Anupam Kumar Sahu S/O Late Ranjeet Kumar Sahu R/O Village- Rahul
Nagar Damodarpur, Singh Colony, Ps. Kanti, Dist. Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhubala Verma, Advocate

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

For the informant : Mr. Saroj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

7 27-02-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Sonbarsa P.S. Case No. 440/2022 lodged on 05.02.2022 under
Sections 379, 406, 420/34 of the Indian Penal Code.

3. As per the prosecution case, the FIR has been
lodged against three named accused persons, including the
present petitioner alleging therein that they have taken the truck
of the informant on rent by virtue of an agreement but
subsequently it was informed that the vehicle was subject to
theft and even not paid the full amount of the rent.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The petitioner has lawfully taken the truck on rent but when theft has been caused he stopped payment and in result, the case has been lodged. Learned counsel further submits that the pairvikar of the case initially disclosed that only 10 more cases are pending against the petitioner but subsequently 7 more cases have been informed through supplementary affidavit. As such, the petitioner is accused in altogether 17 more criminal cases and in all the cases, he has been granted bail. The petitioner is in custody since 12.06.2023.

5. Learned counsel for the informant vehemently opposes the prayer for bail and submits that the petitioner is an intellectual criminal and it is his *modus operandi* to grab the truck of the truck owners and in all the cases total 18 in numbers including the present one *his modus operandi* is same. All the cases have been filed under the same offences by the different truck owners.

6. Learned counsel for the State opposes the prayer for bail and submits that at the time of considering the prayer for bail of the petitioner, this aspect must be taken into consideration that the antecedent of the petitioner is not clean.



7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Sitamarhi, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any



criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

7. The learned court below shall release the petitioner on bail only after framing of charge, if not framed as well as on being satisfied that the petitioner is not absconding in any of the cases as under :-

- (i) Brhampura P.S. Case No. 213/2010
- (ii) Sitamarhi P.S. Case No. 967/2020
- (iii) Sitamarhi P.S. Case No. 968/2022
- (iv) Sitamarhi P.S. Case No.969/2022
- (v) Sitamarhi P.S. Case No.970/2022
- (vi) Sitamarhi P.S. Case No.971/2022
- (vii) Sitamarhi P.S. Case No.962/2022
- (viii) Sitamarhi P.S. Case No.963/2022
- (ix) Sitamarhi P.S. Case No.964/2022
- (x) Sitamarhi P.S. Case No.965/2022
- (xi) Sitamarhi P.S. Case No.966/2022
- (xii) Sursand P.S. Case No. 632/2022
- (xiii) Sursand P.S. Case No. 633/2022
- (xiv) Sursand P.S. Case No. 634/2022
- (xv) Sursand P.S. Case No. 635/2022
- (xvi) Riga P.S. Case No. 568/2022
- (xvii) Parsauni P.S. Case No. 306/2022

(Dr. Anshuman, J)

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