

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61933 of 2024

Arising Out of PS. Case No.-18 Year-2023 Thana- PIRO District- Bhojpur

Bhola Kumar S/o Keshwar Singh, R/o Village- Chhaprapur, P.S.- Narayanpur,
District- Bhojpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Diwakar, Advocate

For the Opposite Party : Mr. Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-10-2024 Heard Mr. Diwakar, the learned counsel for the
petitioner and Mr. Harendra Prasad, the learned Additional
Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since
03.01.2024, in connection with Piro P.S. Case No. 18 of 2023,
FIR dated 17.01.2023, registered for the offences punishable
under Sections 392, 395 and 412 of the Indian Penal Code.

3. According to the prosecution case, after loading
23.195 tons of rice on the truck bearing registration no.
UP65FT7700, the informant (driver) and his conductor were on
the way to Dihri via Jagdishpur, meanwhile at Keshwa plant
another truck intercepted them and stopped their truck and four
unknown persons on gunpoint took them outside and tied their
hands and legs and also took their mobile phones and their
aforementioned twelve wheeler truck.



4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that petitioner is not named in the FIR and name of petitioner transpired on the basis of confessional statements of the co-accused persons namely, Anand Kumar and Awadhesh Singh @ Awadhesh Kumar Singh. He further submits that nothing has been recovered from the conscious possession or house of the petitioner, rather the recovery has been made from the co-accused person namely, Kapil Muni. He further submits that a co-accused person namely, Ranjan @ Ranjan Kumar has been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court vide order dated 29.03.2024 passed in Cr. Misc. No. 18142 of 2024 and another co-accused person namely, Awadhesh Singh @ Awadhesh Kumar Singh @ Awadhesh Kumar, who has confessed the name of the petitioner, has been granted regular bail by this Court vide order dated 20.09.2023 passed in Cr. Misc. No. 61232 of 2023 and co-accused persons namely, Om Prakash and Govind Singh have also been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court vide order dated 31.07.2023 passed in Cr. Misc. No. 39051 of 2023. He lastly submits that the police after



investigation has submitted the charge sheet against the petitioner and the petitioner is in custody since 03.01.2024.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and mainly the facts that petitioner has clean antecedent, he is not named in the FIR and several co-accused persons have been granted bail by this Court as well as co-ordinate Benches of this Court, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned JMFC, Bhojpur at Ara / Concerned Court, in connection with **Piro P.S. Case No. 18 of 2023**, subject to 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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