

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62398 of 2024

Arising Out of PS. Case No.-255 Year-2024 Thana- SASARAM MUFFSIL District- Rohtas

Om Prakash Kumar S/o Bhanu Pratap Singh R/o Village- Maharo khurd ,
P.S.- Mohania , District- kaimur at bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-09-2024 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 Sasaram (M) P.S. Case No. 255 of 2024, registered for the offence punishable under Section 392 of the Indian Penal Code and later on Sections 395 and 412 of the Indian Penal Code were added.

3. Based upon the written report, it is alleged that while the informant was standing in railway parking along with his *tempo*, in the meantime, three persons came there and requested to go to village *Dhuwan*. In the way, the persons who were seated in the *tempo* asked him to stop the *tempo* on the point of pistol and after tiding the hand get him off from the *tempo* and looted away his mobile and *tempo*.



4. Learned Advocate for the petitioner contended that the FIR has been instituted against unknown miscreants. However, during the course of investigation, some of the co-accused persons were apprehended and they have confessed their complicity in the crime and disclosed before the police that they have sold the *tempo* to the petitioner on consideration money of Rs. 20,000/-. The police on the disclosure made by the apprehended person, raided the house of the petitioner and recovered the *tempo*, which was found parked in front of his house. Save and except the fact that the accused persons had sold the tempo to the petitioner, there is no allegation of his complicity in the crime of loot. It is further contended that in fact the petitioner was not knowing this fact that the *tempo*, in question, was subject matter of any crime and, as such, his complicity in the crime would not arise. Moreover, the petitioner is a man of fair antecedent and now he has been incarcerated since 24.06.2024. Other co-accused person, who were apprehended by the police have been allowed the privilege of regular bail in Cr. Misc. No. 52987 of 2024 vide order dated 07.08.2024.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner knowing very well that the *tempo*, in question, was a



stolen property had purchased the same.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that co-accused person, having identical allegation, has been allowed the privilege of regular bail, coupled with the fair antecedent and the investigation being completed and the 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 Chief Judicial Magistrate, Rohtas at Sasaram in connection with Sasaram (M) P.S. Case No. 255 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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