

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66119 of 2023

Arising Out of PS. Case No.-67 Year-2023 Thana- KIUL District- Lakhisarai

SHYAM KUMAR @ SHYAM GOP SON OF ABDHESH KUMAR @
AWADHESH YADAV RESIDENT OF VILLAGE- BURHANPUR, PS-
BARH, DISTT- PATNA, AT PRESENT SRICHANDRAPUR, PS-
HARNAUT, DISTT- NALANDA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Parmanand Pd. Nr. Sahi

For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 09-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Kiul
P.S. Case No. 67 of 2023 registered for the offences punishable under
Sections 406 and 407/34 of the IPC.

3. As per prosecution case, it is alleged that on
03.07.2023, the scrap of Power Grid worth Rs. 5,79,811/- was
loaded on truck and the same was driven by the driver-cum-owner,
Sadhu Yadav. It is further alleged that on 04.07.2023, the informant
tried to contact the co-accused, Sadhu Yadav, on his mobile but his
mobile was found switched off. It is further alleged that on
06.07.2023, the brother of co-accused, Sadhu Yadav, informed the
informant that the truck is standing at Banshipur. The informant went
there and found the said truck was there but the scrap of Power Grid



was missing.

4. Learned counsel for the petitioner submits that petitioner is not named in the FIR and his name has been transpired in the present case upon the confessional statement of co-accused, Sadhu Yadav, in which he stated that petitioner has helped him in selling the scrap to Tirupati Factory. Except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of petitioner with the alleged occurrence. He further submits that petitioner is in custody since 10.07.2023 and bears criminal antecedent of six cases in which he is on bail. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner is not even beneficiary of the alleged occurrence as on the basis of confessional statement of co-accused Sadhu Yadav, it is clear that he has sold the scrap to Tirupati Factory and amount of Rs. 2,02,000 was recovered from his possession and the remaining amount of 3,80,000 is dues against Tirupati Factory. In this way, petitioner is not in any way connected with the alleged occurrence. He further submits that petitioner is quite innocent and has falsely been implicated in the case.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and



there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai in connection with Kiul P.S. Case No. 67 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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