

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70250 of 2023

Arising Out of PS. Case No.-319 Year-2023 Thana- TAJPUR District- Samastipur

ASHOK KUMAR Son of Late Nageshwar Ray R/o vill - Jitwarpur Kumhira,
P.S. - Sarairanjan, Distt. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahendra Pratap

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 08-02-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner has prayed for bail in a case registered for the offence punishable under Section 379 of the Indian Penal Code in which subsequently charge sheet has been submitted under Sections 379, 411 and 34 of the I.P.C.

3. As per prosecution case, one truck bearing Reg. No. UP44AT8751 loaded with prohibited liquor was seized and parked in front of the Suraj Line Hotel which has been stolen by its owner along with some unknown miscreants.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this case. Name of the petitioner has been transpired in this case on the basis of Tower location of his mobile. Neither the stolen truck nor any incriminating article has been recovered from the possession of the petitioner. He



has no concern with the stolen truck nor with the owner of the stolen truck. In fact, the seized truck was sold by the police team itself but when the owner of the seized truck enquired about his truck then the police team lodged this false case with concocted allegation. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. The other co-accused Raushan Kumar has already been granted bail by another co-ordinate Bench of this Court vide order dated 31.01.2024 passed in Cr. Misc. No. 3250 of 2024. Petitioner is languishing in judicial custody since 18.06.2023.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-I, Samastipur in connection with Tajpur (Halai O.P.) P.S. Case No.319 of 2023.

(Sunil Kumar Panwar, J)

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