

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83433 of 2023

Arising Out of PS. Case No.-702 Year-2023 Thana- KANTI District- Muzaffarpur

Hemant Kumar Son Of Sanjit Sah Resident Of Village - Shyampur Bhoja,
P.S. - Kanti (Panapur O.P.), District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Advocate

For the Opposite Party/s : Ms. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 21-03-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Kanti P.S. Case No.702 of 2023, lodged on 10.09.2023, under
Sections 379/414/413/34 of the Indian Penal Code.

3. As per the prosecution, the FIR has been lodged
against five named accused persons including the present
petitioner against whom there is an allegation that they were
committed theft of the rice of midday meal and police has caught
them in way. The recovery of the rice was made from the backside
of pickup van.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel



submits that he is the driver of the pickup van and his co-villager one Uday Kumar, who is resident of the same village as of the petitioner, has taken this vehicle on rent with a view to carry the rice. Counsel submits that all the persons were fled away when police has surrounded the vehicle, but the petitioner has not fled away and he was arrested from the pickup van itself. Counsel submits that the said case has been lodged on 10.09.2023 being Kanti P.S. Case No.702 of 2023 prior to that antecedent of the petitioner was clean but after the said date two more cases have been filed against the petitioner in the same P.S., i.e., Kanti P.S. Case No.703 of 2023 and Kanti P.S. Case No.705 of 2023, under the same sections. Counsel submits that petitioner is completely unaware that what happened. Counsel submits that he is in custody since 11.09.2023.

5. Learned counsel for the State opposes the prayer for bail.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner, above named, be granted bail **only after framing of the charge, if not framed**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Muzaffarpur (West), Court No.6, in connection with Kanti P.S. Case No.702 of 2023, 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.

(Dr. Anshuman, J)

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