

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4774 of 2024

Arising Out of PS. Case No.-455 Year-2023 Thana- KESARIA District- East Champaran

Angesh Kumar S/o Late Krishna Sharma R/o Vill-Pathkhauliya, Ps-Muffasil
Matihari, Dist-East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Rathore, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 02-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Kesariya P.S. Case No.
455 of 2023, instituted for the offences punishable under
Section 394 of the Indian Penal Code.

3. The prosecution case, in short, is that, the informant
(driver) along with co-driver Mursalin proceeded on a truck
loaded with iron and when reached Mohammadpur Chowk, in
the meantime 3-4 miscreants intercepted the truck and on the
point of pistol got them down from the truck and the miscreants
also assaulted them. The miscreants snatched their mobiles and
key of the truck, took out Rs. 22,000/- kept in the truck and
drove away the truck towards Khajuriya and left the informant



and co-driver at Bishunpur village.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Learned counsel for the petitioner further submits that the petitioner is not named in the F.I.R. and he was not arrested on the spot and nothing has been recovered from the conscious possession of the petitioner. The recovery has been made from the *darwaza* of the petitioner. The petitioner had purchased the said articles from one Rajan Kumar and he had no knowledge regarding the fact that the said articles were stolen one. The petitioner has been implicated in this case on the basis of confessional statement of co-accused. The petitioner has no any criminal antecedent as has been stated in paragraph no. 3 of the present bail application. Charge-sheet has already been submitted in this case. The petitioner is languishing in judicial custody since 12.09.2023.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and taking into account the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.



7. Let the petitioner 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 Court below/concerned Court in connection with Kesariya P.S. Case No. 455 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bond of the petitioner.

(Rudra Prakash Mishra, J)

Rajorshi/-

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