

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No 45248 of 2017

Arising Out of PS.Case No. -113 Year- 2017 Thana -SINGHESHWARASHTHAN District-
MADHEPURA

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Chhotu Kumar @ Chhotu Swarnkar, son of Sri Rajeshwar Swarnkar @
Mahendra Swarnkar, Resident of Village – Durga Chauk Singheshwar, PS –
Singheshwar, District - Madhepura

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Shailendra Kumar Singh, Advocate

For the State : Mr Suresh Prasad Singh, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 19-09-2017

Heard learned counsel for the petitioner and the

learned APP for the State.

Petitioner seeks bail in a case registered under
Section 379 of Indian Penal Code.

Petitioner is accused in a case alleging theft of
motorcycle. Counsel for the petitioner submits that he is not
named in the first information report and that he has been dragged
in this case on the basis of confessional statement made by co-
accused Prem Sagar. The allegedly stolen motorcycle of the
informant was recovered by the police from the possession of co-
accused Prem Sagar. No recovery whatsoever has been made
from the petitioner. Petitioner is in custody since 22.07.2017. It is
also submitted that prior the instant case, there is no criminal



antecedent against the petitioner.

Considering the aforesaid submissions, prayer for bail is allowed. Let the petitioner above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Madhepura in Singheshwar Police Station Case No 113 of 2017 subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.
- (ii) That the affidavit shall clearly state that the petitioner is not an accused in any other case and if he is, he shall not be released on bail.
- (iii) That the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter, the court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.
- (iv) That the petitioner will give an undertaking that he will



receive the police papers on the given date and be present on date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse.

- (v) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

M.E.H./-

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