

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24426 of 2017

Arising Out of PS.Case No. -151 Year- 2016 Thana -ARWAL District- JEHANABAD

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Aditya Kumar Son of Madho Singh, Resident of Village- Ozha Bihga, P.S.
Arwal, District Arwal.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Anita Kumari Singh, Advocate
For the Opposite Party/s : Mr. Gopesh Kumar, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 13-07-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
22.08.2016 in connection with Arwal P.S. Case No. 151 of 2016
registered for the offence punishable under Section 379 of the
Indian Penal Code.

The prosecution case, as lodged by the informant, is
that he had kept his motorcycle in the night at his uncle's house,
but in the morning it was found traceless. The motorcycle belongs
to his brother-in-law, Om Prakash.

It has been submitted by the learned counsel for the
petitioner that he is innocent, not named in the First Information



Report and has been falsely implicated in the aforesaid case on the basis of confessional statement made before the police, which has no evidentiary value in the eye of law. It is also submitted that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned A.P.P. for the State submits that the petitioner was apprehended with stolen motorcycle while he was going to sell it and does not have a clean antecedent, hence, vehemently opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner above named 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 Chief Judicial Magistrate, Arwal in connection with Arwal P.S. Case No. 151 of 2016, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable properties within the jurisdiction of the concerned P.S./ Court, who would file an affidavit stating his relationship with the petitioner and that petitioner will appear before the learned Court below on each and every date and failure to appear before the learned Court below on two consecutive dates



without assigning any reason will entail cancellation of his bail bonds.

It is further made clear that if in future, petitioner indulges in similar nature of offence, the prosecution will be at liberty to move before the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J.)

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