

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8385 of 2019

Arising Out of PS. Case No.-346 Year-2018 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

=====

ABDHESH KUMAR, aged about 28 years, Male, Son of Bhudeo Prasad
Singh, Resident of Daradhi, P.S. Sajour, District- Bhagalpur
... Petitioner

Versus

The State of Bihar ... Opposite Party

=====

Appearance :

For the Petitioner : Mr. Ranjan Kumar Jha, Adv.
For the Opposite Party : Mr. Dashrath Mehta, APP

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 14-02-2019 Heard the learned counsel for the petitioner and the

learned counsel appearing for the State.

The petitioner is languishing in judicial custody since
25.09.2018 in connection with Kotwali P.S. Case No. 346 of
2018 for the offence alleged under Section 379 of the Indian
Penal Code.

The prosecution case, as lodged by the informant, is
that he had gone to buy vegetables and parked his motorcycle
outside the vegetables vendor zone and on returning has found
his motorcycle missing.

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. It is
because the confession made by the petitioner before the police
in another case, which has no evidentiary value in the eye of



law, the name of the petitioner has surfaced. It is, further, submitted that the motorcycle has not been recovered from the possession of the petitioner and charge sheet has already been submitted, there being no allegation of tampering with the prosecution witness.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and three more cases of similar nature are pending against him. It is, further, submitted that it is on the basis of confession of the petitioner a number of stolen motorcycles have been recovered from various places and the garage of one Bijay Kumar Choudhary.

Considering the facts and circumstances and the materials on record, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Kotwali P.S. Case No. 346 of 2018 to the satisfaction of the learned Additional Chief Judicial Magistrate, XIII, Bhagalpur, subject to the following conditions :

(i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.



(ii) Petitioner will appear before the learned Court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(iii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

Shamshad/-

U		T	
---	--	---	--

