

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30959 of 2019

Arising Out of PS. Case No.-206 Year-2016 Thana- SAMASTIPUR District- Samastipur

MOTILAL CHAUDHARY S/o Baleshwar Chaudhary R/V Rajpur Indaur,
P.S. Kabarpur, District- Nawada, at present Mohalla Barah Tatthar P.S.-
Samastipur (T), District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar

For the Opposite Party/s : Mr.Rajiv Nayan

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 26-06-2019 Heard learned counsel for the petitioner and the

State.

The petitioner seeks bail in **T.R. No. 1674 of 2019**
(Samastipur (Town) P.S. Case No. 206 of 2016) instituted for
the offence under Section(s) 380 and 457 of Indian Penal Code.

Counsel for the petitioner submits that petitioner is
in custody since 5.8.2016. There is no recovery from his
possession. He is not named in the written report. He further
submits that during investigation the alleged *Lap-Top* has been
recovered from the house situated behind the Ply factory of
Ramesh Mahto and Ramchandra Mahto.

Learned Sessions Judge has mentioned in the
impugned order that paragraph-57 of the case diary shows that



after arresting the petitioner his confessional statement was recorded and on the basis of his confession, the lap-atop has been recovered from the custody of co-accused as mentioned in paragraph-59 of the case diary. From the impugned order it appears that four witnesses have been examined till date. Petitioner is in custody for about two years and still trial has not been concluded. There is no recovery from conscious possession of the petitioner.

Petitioner is in custody since 5.8.2016.

Keeping in view the period spent by the petitioner in custody, prayer of the petitioner for grant of bail is allowed. Let the petitioner above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned **Sub Divisional Judicial Magistrate, Samastipur**, in connection with **T.R. No. 1674 of 2019 (Samastipur (Town) P.S. Case No. 206 of 2016)**, subject to the condition that both the bailors will be close relatives of the petitioner with further conditions which are as follows:

(i) Petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court (ii) In absence on two consecutive dates without any valid reason, the bail



bonds of the petitioner will liable to be cancelled and (iii) if petitioner tampers with the evidence or the witnesses of the case, in that event, prosecution will be at liberty to move for cancellation of bail of the petitioner. .

(Sanjay Priya, J)

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