

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14303 of 2020**

Arising Out of PS. Case No.-5 Year-2019 Thana- PARASBIGHA District- Jehanabad

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Guddu Kumar, Male, aged about 23 years, son of Om Prakash Yadav, resident of village- Tekuliapar, P.S.- Kako, District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar, Advocate
For the Opposite Party/s : Mr. Jai Narain Thakur, APP

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT**

Date : 08-06-2020

The matter has been heard *via* video conferencing due to lockdown imposed on account of the COVID-19 pandemic.

2. Heard Mr. Dhananjay Kumar, learned counsel for the petitioner and Mr. Jai Narain Thakur, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner is in custody in connection with Parasbigaha P.S. Case No.05 of 2019 dated 13.01.2019 instituted under Sections 414/34 of the Indian Penal Code.

4. The allegation against the petitioner is that he was party to stealing of a motorcycle, which was recovered from the house of co-accused, Dheeraj Kumar.

5. Learned counsel for the petitioner submitted that



though the recovery was not made from possession of the petitioner, but it has been stated that in a case lodged in Patliputra Police Station of Patna District, the petitioner and others were caught with firearms and the petitioner is said to have confessed that the stolen motorcycle was kept at the place of Dheeraj Kuamr, co-accused. Learned counsel submitted that the petitioner is being framed in one case after another by the police due to political rivalry. Learned counsel submitted that the petitioner has, thus, been implicated in four other cases of similar nature. However, it was submitted that no recovery has been made from the possession of the petitioner. Learned counsel submitted that petitioner is in custody since 21.02.2019.

6. Learned APP submitted that the petitioner has confessed that he was party to stealing of the motorcycle along with others and further, that he has other criminal antecedent also.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bond of Rs.25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of Mr. P. K. Bharti, Judicial Magistrate, 1st Class, Jehanabad, in Parasbigaha P.S. Case No.05



of 2019, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

J. Alam/-

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