

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28554 of 2020

Arising Out of PS. Case No.-896 Year-2018 Thana- KOTWALI District- Patna

ATISH KUMAR S/o Sri Dhiraj Goshwami Resident of Village-Kamla Nehru
Nagar, P.S.-Kotwali, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 18-12-2020 Heard Mr. Vijay Kumar Sinha, learned counsel for
the petitioner and Mr. Nawal Kishore Prasad, learned Additional
Public Prosecutor appearing for the State through video
conferencing.

Petitioner seeks regular bail in connection with
Kotwali P.S. Case No. 896 of 2018 registered for the offences
punishable under Sections 401, 411, 413, 414, 379 and 120B of
the Indian Penal Code 1860.

The allegation as per the First Information Report is
that the Police raided the Community Hall situated at Kamla
Nehru Nagar, on the basis of information that some co-accused
persons have assembled with the stolen Motorcycles and
arrested co-accused Manthan Kumar. Thereafter, the Police
raided the house of one Golu @ Parwez from where nine



Motorcycles were recovered and five persons including petitioner who were present there, were arrested by the Police. The raid was also conducted in the house of Md. Rizwan and recovered one Passion Pro Motorcycle and one Aviator Scooty from there.

Learned counsel for the petitioner submits that this is second attempt for grant of regular bail on behalf of the petitioner inasmuch as earlier the bail application of the petitioner was rejected by a co-ordinate Bench of this Court by an order dated 11.04.2019 passed in Cr. Misc. 22413 of 2019 (Annexure-1) with liberty to renew his prayer for grant of regular bail after framing of charge in the event no substantial progress is made in the trial. Learned counsel further submits that petitioner is in custody since 26.12.2018.

This Court vide order dated 23.11.2020 had called for a report from the learned trial court and in pursuance thereof, the report vide letter dated 10.12.2020 has been furnished and from perusal of the same, it appears that the Police Paper has already been made available to the petitioner and others for framing of charge.

Having regard to the submissions made by the parties and taking into consideration the materials on record and the



fact that the co-ordinate Bench of this Court had given liberty to the petitioner to renew his prayer for bail **after framing of charge**, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail, **after framing of charge**, on furnishing bail bonds of Rs.20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Patna, in connection with Kotwali P.S. Case No. 896 of 2018 subject to the condition that the petitioner will be well represented on each date in the trial and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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