

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34155 of 2020

Arising Out of PS. Case No.-178 Year-2020 Thana- PIPRAKOTHI District- East Champaran

Sandeep Kumar son of Late Nanak Sah resident of Village - Bara Bariyarpur,
Ward No. 11, P.S. - Chhatauni, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pravin Kumar, Advocate

For the Opposite Party/s : Mr. Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-12-2020 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Pipra Kothi P.S. Case No. 178 of 2020 registered for the offences punishable under Section 356, 379/34, 414 of the Indian Penal Code.

As per prosecution story, the informant while talking on mobile with someone and reached near Chiran Mill of Shiv Bachan Rai two persons came on motorcycle and snatched his mobile containing two Sim. The informant caught one of them and in the meantime, police arrived there and on query the



accused disclosed his name as Sandip Kumar and he disclosed the name of other accused as Salman Khan and thereafter the informant given a written report to the police station and then the present F.I.R. has been lodged against the petitioner and others.

Learned counsel for the petitioner submits that petitioner has committed no offence as alleged in the F.I.R., no any mobile phone recovered from the possession of the petitioner and he is in jail since 13.06.2020 having no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that the motorcycle about which it is alleged that the same is stolen property in fact belongs to the petitioner, the petitioner is in jail in connection with this case since 13.06.2020, he has no criminal antecedent and the investigation against him is complete but the trial is not likely to be concluded in near future, there being no submission on behalf of the State that the release of the petitioner at this stage is likely to result in tampering with the evidence or interfering with the course of



trial, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran, in connection with Pipra Kothi P.S. Case No. 178/2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.



And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

