

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13672 of 2021**

Arising Out of PS. Case No.-661 Year-2019 Thana- KHAJANCHI HAT District- Purnia

NANDU KUMAR @ RAJ Son of Purushotam Singh, Resident of Village -
Nawalal Chowk, Basant Bihar, P.S.- K. Hat, District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Awadhesh Kumar, Adv.

For the Opposite Party/s : Mr.Nagendra Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 13-08-2021 In view of the sudden resurgence of Covid-19 infection, there is limited functioning of the High Court and, therefore, the matter has been listed today for consideration through virtual mode.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

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

The petitioner seeks bail in K.Hat (Maranga) PS Case No.661 of 2019, instituted for the offence under Sections 412, 413 and 414 of the Indian Penal Code.

It is alleged that Ankit Kumar Chaudhary has been



apprehended with a motorcycle without number plate and a mobile phone. The said motorcycle has been found to be stolen and Ankit Kumar Chaudhary has stated about selling of stolen motorcycle to the petitioner.

The learned counsel for the petitioner submits that on the statement of co-accused, the petitioner has been implicated. Such implication is unsustainable in the eye of law. He has no criminal antecedent. It has falsely been alleged that the motorcycle has been recovered from the courtyard of the house of the petitioner. There is no such recovery from the courtyard of the house of the petitioner and merely on the basis of confessional statement of the co-accused, the petitioner is in custody since 30.09.2020. Co-accused Ankit Kumar Chaudhary, from whom also one stolen motorcycle has been recovered, has been allowed bail in Cr.Misc.No.81290 of 2019.

The learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner 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 the learned Chief Judicial Magistrate, Purnea in connection with K. Hat (Maranga) P.S. Case No.661 of 2019, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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