

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.16136 of 2021**

Arising Out of PS. Case No.-148 Year-2020 Thana- PHULWARIA District- Begusarai

BIRENDRA KUMAR @ BHOLU S/O RAMASHISH TANTI R/O
VILLAGE-SIUARI, P.S-CHERIABARIARPUR (MANJHAUL O.P),
DISTRICT-BEGUSARAI.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ravi Shankar Sahay, Advocate.

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 24-06-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Phulwaria P.S. Case No. 148 of 2020 registered for the offences punishable under Sections 379, 401, 414/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the prosecution story the informant was on vehicle checking duty. In due course seeing police three persons boarded on one motorcycle were trying to run away with motorcycle but got apprehended by the police. On query they disclosed their name as Jyotish Kumar, Gotam



Kumar, and Birendra Kumar (petitioner), they did not produce any paper of motorcycle rather Jyotish Kumar disclosed that they had stolen the motorcycle two days ago.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. The petitioner is in custody since 13.10.2020 having no criminal antecedent.

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

Having regard to the facts and circumstances of the case, the nature of allegation wherein it is alleged that the petitioner and two others were riding the stolen motorcycle, the petitioner has no criminal antecedent, he has remained in custody in connection with this case for over eight months, investigation against him is complete but the trial is not likely to be concluded in near future, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned C.J.M. Begusarai in connection with Phulwaria P.S. Case No. 148 of 2020, subject to the conditions 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 is suspected, and

(c) that such persons shall not directly or indirectly make and 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. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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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'.

