

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.18070 of 2021**

Arising Out of PS. Case No.-676 Year-2020 Thana- BETTIAH CITY District- West
Champaran

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Motilal Kumar Ram Son of Jhulan Ram Resident of - Ambedhakar Nagar,
Sugauli, P.S.- Lauriya, District- West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Lal Babu Singh,Advocate

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

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

2 16-07-2021 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.
Surendra Prasad Singh, learned APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Bettiah Town P.S. Case No. 676 of 2020
registered for the offences punishable under Sections 379/411 of
the Indian Penal Code.

Learned counsel for the petitioner submits that as per
the prosecution story, the informant had parked his motorcycle
in front of ICICI Bank and went to the bank, on return from the
bank the informant did not find his motorcycle there and started
searching for it. The informant saw that one boy is taking away



his motorcycle and thereafter he raised alarm and caught the said boy with his motorcycle. On query he disclosed his name as Motilal Kumar Ram and two keys were recovered from his pocket. In the meantime, police reached there and the petitioner was handed over to the police.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner was standing at the place of occurrence while waiting for someone. It is submitted that the petitioner is in jail in connection with this case since 20.10.2020 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 wherein it is the submission of learned counsel for the petitioner that the petitioner was apprehended while he was standing at the alleged place of occurrence and was waiting for someone, the petitioner is in custody since 20.10.2020 in connection with this case, otherwise he has no criminal antecedent, learned APP has though opposed the prayer for regular bail of the petitioner but considering the facts and circumstances of the case, the materials placed before this Court



and that he is in custody since 20.10.2020 having no criminal antecedent, investigation against him is complete but the trial is not likely to take place 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 Chief Judicial Magistrate, West Champaran, Bettiah in connection with Bettiah Town P.S. Case No. 676 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'.

