

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19859 of 2021

Arising Out of PS. Case No.-207 Year-2020 Thana- NAUTAN District- West Champaran

Vishal Chaudhary, S/O Bharat Chaudhari, R/O Village-Siswa Sarea, P.S.-
BAIRIYA, District-West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 27-08-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual Court proceedings.

Learned counsel for the petitioner undertakes to remove the defects as pointed out by the office within four weeks of normal functioning of the court, failing which the office is directed to place the matter before the Bench.

The petitioner seeks bail in a case registered for the offence punishable under Section 379 of the Indian Penal Code.

Prosecution case, in brief, is that on 21.06.2020, the informant gave a written report to Nautan Police Station stating that on 20.06.2020 at 5.15 pm, the motorcycle of the informant was found missing while the informant was selling fish. There was Rs.23,000/- in dickey of the motorcycle.

Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case. He further submits that no incriminating article has been recovered from the possession of the petitioner. During course of investigation, a motorcycle was recovered while the petitioner and co-accused, namely, Farman Miyan both were going by the said motorcycle. The petitioner was absolutely unaware that the said motorcycle was a stolen property and he was merely a pillion rider over the same and the same belong to co-accused Farman Miyan. The petitioner is languishing in judicial custody since 09.10.2020. The petitioner has got 05 criminal antecedents which is mentioned in para 3 of the bail petition.

Learned APP for the State vehemently opposed the prayer for bail application.

Considering the custody of the petitioner and no incriminating article has been recovered from the possession of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each in connection with Nuatan P.S. Case No. 207/2020 to the satisfaction of learned Court below where the case is pending/ successor Court; subject to the following conditions:



(1) that one of the bailors will be a close relative of the petitioner, who will be given an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) that the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

(3) that the petitioner will be well represented on each and every date fixed in the case and if he fails to do so on two consecutive dates his bail bond will be liable to be cancelled.

(4) that the petitioner shall co-operate with the investigation, if not already concluded and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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