

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 27523 of 2021

Arising Out of PS. Case No.-167 Year-2019 Thana- GAIGHAT District- Muzaffarpur

Shubham Kumar Singh, aged about 24 years, Male Son of Bipin Singh,
Resident of village- Narpati Nagar, PS- Sakari, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sheo Kumar Prasad, Advocate
For the State	:	Mr. Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 18-08-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Sheo Kumar Prasad, learned counsel for the petitioner and Mr. Md. Matloob Rab, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner is in custody in connection with Gaighat PS Case No. 167 of 2019 dated 16.06.2019, instituted under Sections 420, 467, 468 and 414 of the Indian Penal Code.

4. This is the second attempt for bail by the petitioner as earlier such prayer was rejected by judgment and order dated 06.01.2020 passed in Cr. Misc. No. 80152 of 2019.

5. The allegation against the petitioner is that he was caught with a stolen motorcycle and was beaten up by the public



and detained and handed over to the police and on his confession, two stolen motorcycles were recovered from the house of his brother in which the petitioner was also staying.

6. Learned counsel for the petitioner submitted that though on merits, the prayer has earlier been rejected and the petitioner also has criminal antecedent, but taking into consideration the fact that he is in custody since 17.06.2019, the Court may consider the prayer. It was submitted that the Court may impose strict conditions on the petitioner including his regular appearance before the Superintendent of Police and that any future involvement in any crime would lead to cancellation of his bail bonds in the present case.

7. Learned APP submitted that on merits, the matter having been dismissed and no mitigating circumstances shown by the petitioner except for the period of incarceration, the prayer deserves to be rejected.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in view of the fact that one stolen motorcycle recovered from the possession of the petitioner and he is in custody for over two years and also the stand of learned counsel for the petitioner himself that strict conditions be imposed, the Court is inclined to allow the prayer.



9. Accordingly, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Muzaffarpur in Gaighat PS Case No. 167 of 2019 subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses and (iv) the petitioner shall appear before the SHO of his local police station every Sunday morning at 11:00 AM. Any violation of the terms and conditions of the bonds or the undertaking or failure to appear before the SHO every Sunday at 11:00 AM shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

10. It shall also be open for the prosecution to bring any violation of the foregoing conditions by the petitioner, to the



notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner.

11. The petition stands disposed of in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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