

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 37586 of 2020

Arising Out of PS Case No.-141 Year-2020 Thana- BELDAUR District- Khagaria

Mithun Kumar, aged about 21 years (Male), Son of Shalendra Mandal @ Shalendra Singh, Resident of Village - Sakrohar, PS - Beldaur, District – Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Binod Kumar, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 05-02-2021

Heard Mr. Binod Kumar, learned counsel for the petitioner and Mr. Jharkhandi Upadhyay, In-charge learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

2. The petitioner is in custody in connection with Beldaur PS Case No.141 of 2020 dated 09.06.2020, instituted under Section 392 of the Indian Penal Code in which later on Sections 395/412 of the Indian Penal Code were added.

3. The allegation against the petitioner, though not named in the FIR, is that the looted motorcycle was recovered from the open field of which he was the *Bataidar*.



4. Learned counsel for the petitioner submitted that there is no witness to the incident and there has been no Test Identification Parade. It was further submitted that the recovery is from an open field, that too, of which the petitioner was not the owner. Learned counsel submitted that the petitioner has no other criminal antecedent and is in custody since 13.07.2020.

5. Learned APP submitted that the looted motorcycle was recovered from the field which the petitioner had taken on *Bataidaari*.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, 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 Judicial Magistrate 1st Class, Khagaria in Beldaur PS Case No. 141 of 2020, 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, and (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. Any violation of the terms and conditions



of the bonds or the undertaking 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.

7. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

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