

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9311 of 2022

Arising Out of PS. Case No.-481 Year-2019 Thana- RANIGANJ District- Araria

ARYAN KUMAR Son of Indal Yadav Resident of Village - Gerabari,
Jurabganj, P.s.- Koraha, Distt.- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chhote Lal Mishra
For the Opposite Party/s : Mr.Aditya Narayan Singh.1

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 29-06-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within one

month.

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the

offence punishable under sections 379 of the Indian Penal Code.

Allegedly, Rs 1000/- ATM card, PAN card etc kept in

dicky of informant's motorcycle was stolen away by some unknown

person. During the course of investigation, petitioner's involvement

in the alleged occurrence surfaced.

The main submissions advanced by the learned counsel

for the petitioner are that no one has claimed to have seen the

petitioner committing the alleged theft, petitioner has been

languishing in jail since 9.2.2021 and during investigation nothing

incriminating article was recovered from his possession and in his



case charge has been framed. Further submission is that there are criminal antecedent of two cases against the petitioner and he is on bail in both cases.

Learned APP opposes the prayer for bail.

In view of above submissions and considering petitioner's custody period and the stage of the case which is at initial stage of trial and petitioner has taken plea in his petition that after his arrest, he was not put on test identification parade, in my view, a lenient approach may be taken in respect of the petitioner. Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Sub divisional Judicial Magistrate, Araria in Raniganj P.S Case No. 481 of 2019 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailers shall be close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

The court below will verify the criminal antecedent of the



petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent other than Raniganj P.S Case No. 508 of 2020 and Raniganj P.S Case No. 494 of 2020 of the petitioner is found then the court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J)

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