

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9396 of 2022

Arising Out of PS. Case No.-256 Year-2021 Thana- CHOUTARWA District- West
Champaran

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Dilip Kumar Son of Ramrekha Mahto Resident of Village- Garbhuwa Lala
Tola, P.S.- Sirisiya O.P. Chanpatia District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Shrivastava
For the Opposite Party/s : Mr. Madhura Nand Jha, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-06-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within two weeks

of the complete start of the physical Court in normal course.

The petitioner seeks bail in connection with

Chautarwa P.S. Case No. 256 of 2021 registered for the offence

under Sections 457, 380, 413, 414 and 34 of the Indian Penal

Code.

The accused/petitioner is named in the F.I.R. and is in

custody since 11.10.2021.

The allegation against the accused/petitioner is to deal

in stolen property alongwith other co-accused person.

Learned counsel appearing on behalf of the petitioner



submitted that stolen motorcycle has been recovered from the co-accused, namely, Saheb Mian as it is appearing from the seizure list itself. It has further been submitted that name of the petitioner surfaced in this case on the basis of disclosure made by main accused apprehended on the spot. While arguing over the matter, it has further been pointed out that chargesheet has already been submitted in this case, as such there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State fairly conceded that recovery has not been made from the conscious possession of the accused/petitioner as per the seizure list.

Considering the facts and circumstances as mentioned above, as recovery has not been made from the conscious possession of the petitioner coupled with the fact that chargesheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Chautarwa P.S. Case No. 256 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate- 1st, Bagaha, subject to the following conditions:

“(i) That accused/petitioner shall



not involve in the similar nature of offence till the conclusion of trial, failing the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be properly represented on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground duly supported by the documents.

(iii) That one of the bailors shall be the close relative of the accused/ petitioner like mother/father/sister/brother.”

(Chandra Shekhar Jha, J)

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