

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10430 of 2022

Arising Out of PS. Case No.-415 Year-2021 Thana- BHABHUA District- Kaimur (Bhabua)

RAVI KUMAR S/o Ram Keshar Ram R/o village- Diyan, P.S.- Mohania,
District- Kaimur, Bhabua

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 12808 of 2022

Arising Out of PS. Case No.-415 Year-2021 Thana- BHABHUA District- Kaimur (Bhabua)

Vishal S/O Radhey Shyam Prasad Resident of 246, Ramchandipur, P.S.-
Chaubeypur, District- Varanasi, Uttar Pradesh

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 10430 of 2022)

For the Petitioner/s : Mr.Md. Jubair Ansari

For the Opposite Party/s : Mr.Manoj Kumar

(In CRIMINAL MISCELLANEOUS No. 12808 of 2022)

For the Petitioner/s : Mr.Ashutosh Tripathy

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 19-11-2022 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 a period
of four weeks from today.

The petitioner seeks bail in connection with Bhabhua
P.S. Case No. 415 of 2021 registered for the offence under



Section 379 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and is in custody since 24.12.2021.

The allegation against the petitioner is to have in possession of stolen motorcycle and on the basis of self-confession remand in present case.

Learned counsel appearing on behalf of the petitioner submitted that petitioner has falsely implicated in the present case and alleged stolen motorcycle was not recovered from the possession of this petitioner. While concluding the argument, it is submitted that investigation of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as no incriminating material recovered from the possession of this petitioner coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Bhabhua P.S. Case No. 415 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 Chief Judicial



Magistrate, Bhabhua/concerned court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

In Cr. Misc. No. 12808 of 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 a period of four weeks from today.

The petitioner seeks bail in connection with Bhabhua P.S. Case No. 415 of 2021 registered for the offence under Section 379 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and is in custody since 03.11.2021.

The allegation against the petitioner is to have in possession of stolen motorcycle and on the basis of self-confession remand in present case.

Learned counsel appearing on behalf of the petitioner submitted that petitioner has falsely implicated in the present case and alleged stolen motorcycle was not recovered from the conscious physical possession of this petitioner, whereas seizure list appears doubtful, being not supported by independent witnesses. While concluding the argument, it is submitted that investigation of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering



with the evidence.

Learned APP opposes the prayer of bail.

In view of the facts and circumstances as mentioned above, and by taking note of accusation, where petitioner is in custody since 03.11.2021 coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Bhabhua P.S. Case No. 415 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 Chief Judicial Magistrate, Kaimur at Bhabhua/concerned court, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, 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 physically present 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 of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

R.S.Sen/-

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