

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10479 of 2022

Arising Out of PS. Case No.-42 Year-2021 Thana- PUPRI District- Sitamarhi

Rohit Kumar S/o Late Ishwar Gupta R/o Village- Lohapatti (Pupri), Ward No. 03, P.S.- Pupri, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar

For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 13-06-2022 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 a period of four weeks from today.

The petitioner seeks bail in connection with Pupri P.S. Case No. 42 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 23.11.2021.

The name of the petitioner surfaced on the basis of self-confessional statement in Pupri P.S. Case No. 356 of 2020, District- Sitamarhi.

As per the prosecution case, motorcycle of the informant was stolen, alongwith other documents like land receipt, bank passbook etc., which was kept in the side bag of



the motorcycle, by unknown.

Learned counsel appearing on behalf of the petitioner submitted that nothing has been recovered from the conscious possession of the petitioner in furtherance of the confessional statement. It has further been submitted 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 while opposing the prayer for bail fairly conceded that nothing has been recovered from the conscious possession of the petitioner.

Considering the facts and circumstances as mentioned above, as there is no recovery from the petitioner which may incriminate him in the present case 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 Pupri P.S. Case No. 42 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 Sub Divisional Judicial Magistrate, Pupri, Sitamarhi, 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/sister/brother.”

(Chandra Shekhar Jha, J)

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