

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10235 of 2022

Arising Out of PS. Case No.-93 Year-2020 Thana- ARER District- Madhubani

MANOJ ROY @ MANOJ RAY S/o Late Jahuri Ray R/o village- Ghat
Madhiya, P.S.- Basopatti, Distt.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar Sah

For the Opposite Party/s : Mr.Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 06-07-2022 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 Section 414 of the Indian Penal Code.

Allegedly, from the possession of co-accused Dharmendra

Kumar Yadav a motorcycle was recovered who could not possess

relevant and satisfactory document showing his right and title over

the alleged recovered motorcycle and accordingly same was

considered to be stolen motorcycle.

The main submissions advanced by the learned counsel

for the petitioner are that the petitioner has been languishing in jail

since 12.8.2020 and there is criminal antecedent of one case in which

his bail petition is pending and similarly situated co-accused



Dharmendra Kumar Yadav has been granted bail by a bench of this court vide order passed in Cr. Misc. no. 26688 of 2021 and case of this petitioner stands on better footing as he was not arrested with the alleged motorcycle and his name surfaced in the statement of co-accused who was arrested with alleged motorcycle.

Learned APP opposes the prayer for bail.

Having considered the above submissions and also the fact that co-accused who was arrested with stolen motorcycle was granted bail vide order passed in the above mentioned miscellaneous case 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 Addl. Chief Judicial Magistrate III, Benipatti, Madhubani in Arer P.S Case No. 93 of 2020 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 of Basopatti P.S Case No. 323 of 2019 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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