

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11131 of 2022**

Arising Out of PS. Case No.-241 Year-2021 Thana- BIHARIGANJ District- Madhepura

PAMPAM KUMAR @ PAPPU KUMAR S/o- Surendra Rai R/o Village -
Kadua Basa, P.S. - Bhavanipur, District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 14-06-2022 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
Bihariganj P.S. Case No. 241/2021 registered for the offences
under Sections 411, 413, 414, 419, 420, 467 and 34 of the
Indian Penal Code.

The accused/petitioner is named in the F.I.R and is in
custody since 19.10.2021.

The allegation against the petitioner is to have in the
possession of stolen motorcycle bearing Registration No. BR 11
AH 5284, as the same has been seized from the possession of
the petitioner.



Learned counsel appearing on behalf of the petitioner submitted that the petitioner was a pillion rider of the motorcycle and he took lift on the way from co-villager/co-accused Rohit Kumar, who was driving the alleged motorcycle. It has also been submitted that prior to lodging of this case, no case was lodged against the petitioner. While concluding the argument it has been submitted that no T.I.P. has been done and also chargesheet has already been submitted as such there is no chance of tampering of evidence.

Learned A.P.P. appearing on behalf of the State while opposing the prayer of bail fairly conceded that recovery of alleged motorcycle cannot be said from the conscious physical possession of the petitioner.

Considering the facts and circumstances as mentioned above, as recovery of alleged motorcycle is not from the conscious physical possession of the petitioner coupled with the fact that the chargesheet has already been submitted in this case, let the petitioner, above named is directed to be released on bail in connection with Bihariganj P.S. Case No. 241/2021 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of J.M.F.C. Udakishunganj, District-Madhepura,



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 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 petitioner only duly supported by the documents.

(iii) That one of the bailor shall be Pritee Kumari, who is the wife of the petitioner and deponent of present bail petition.”

(Chandra Shekhar Jha, J)

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