

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12512 of 2022

Arising Out of PS. Case No.-164 Year-2020 Thana- DHANSOI District- Buxar

Upendra Rajbhar @ Upendra Kumar Rajbhar S/o- Ram Avatar Rajbhar
Resident of Village- Mahadah, P.S.- Buxar (M), District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramakant Yadav, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 18-07-2022 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 Dhansoi
P.S. Case No. 164 of 2020 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 allegation against the petitioner is to commit theft
and while committing so, stolen the motorcycle of the
informant.

Learned counsel appearing on behalf of the petitioner
submitted that petitioner was apprehended in Dinara (Bhanas
O.P.) P.S. Case No. 9 of 2021 and the alleged recovered



motorcycle, which is claimed to be the stolen motorcycle of the present case, was not recovered from the conscious physical possession of the petitioner. It is pointed out that petitioner is involved in two more criminal cases, in which he is on bail. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that petitioner is not named in the F.I.R.

Considering the facts and circumstances as mentioned above, as the recovery of alleged stolen motorcycle, *prima facie*, is not from the conscious physical possession of the petitioner coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Dhansoi P.S. Case No. 164 of 2020 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, Buxar/concerned Court, subject to the following conditions:

“(i) That accused/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 Ram Avatar Rajbhar, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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