

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12786 of 2022

Arising Out of PS. Case No.-344 Year-2020 Thana- SABAUR District- Bhagalpur

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SHEKHAR SINGH Son of Late Shyamdeo Singh Resident of Village -
Dogachhi, P.s.- Sanhoula, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Indeshwari Prasad Mandal

For the Opposite Party/s : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 01-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Sabour (Goradih) P.S. Case No. 344 of 2020 registered for the alleged offences under Sections 379, 411, 120(B) and 34 of the Indian Penal Code.

The prosecution case is that the motorcycle of the uncle of the informant was stolen along with motorcycle of co-villager of the informant. Thereafter, the informant and his co-villagers were keeping night watch and they saw four persons moving on two motorcycle suspiciously. On shouting by the



villagers, the miscreants started running away leaving behind the motorcycles and one of them was the stolen motorcycle of the uncle of the informant. Co-accused Sanni Kumar Mandal was apprehended who disclosed the name of the petitioner who along with other co-accused persons managed to escape from the spot.

Learned counsel for the petitioner submits that except for confessional statement of the co-accused, nothing has come up against the petitioner. No recovery has been made from the possession of the petitioner or from his house. Learned counsel further submits that though the petitioner has criminal antecedent but he is on bail in all cases. Charge sheet has been submitted in this case and the petitioner is in custody since 27.08.2021.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the petitioner is a member of gang of thieves.

Having regard to the submissions made hereinabove and considering the fact that nothing incriminating has been recovered from the petitioner and further considering the submission of charge sheet and period of custody of the petitioner, the petitioner above named is directed to be released



on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Bhagalpur in connection with Sabour (Goradih) P.S. Case No. 344 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be the person, who has sworn the affidavit.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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