

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13521 of 2022

Arising Out of PS. Case No.-480 Year-2021 Thana- BEUR District- Patna

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Guddu Kumar @ Abhishek, Son of Surendra Prasad, Resident of Harnichak
Mohri Tola, P.S. - Beur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

5 12-10-2022 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, within a

period of four weeks from today.

Heard Mr. Santosh Kumar, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Beur P.S. Case No. 480 of 2021 registered for
the offence punishable under Section 379 of the Indian Penal
Code.

As per the prosecution case, it is alleged that the
informant, who used to work at B. P. Anishabad petrol pump, on
30.10.2021, when he came after release of his work, he found
his motorcycle was missing. It is further alleged that on enquiry
from video footage, he found that two unknown boys stolen his



motorcycle.

Learned counsel appearing on behalf of the petitioner submits that admittedly the FIR has been instituted against unknown persons and, moreover, the occurrence of theft took place in the evening of 30.10.2021 and the police station is also located just within half kilometer, but the present FIR has been instituted on 01.11.2021 at about 01:30 PM. He next submits that the petitioner has been identified on the basis of CCTV footage, however, it has no evidentiary value unless verified in TIP. He further submits that no incriminating material has been recovered from his person or possession but only on account of his past criminal antecedent, his name has been implicated in this case without there being any cogent material and, moreover, he is in custody since 05.11.2021 and the charge-sheet has already been submitted.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the petitioner has been identified on the basis of CCTV footage and he confessed his complicity in the present crime apart from the fact that the petitioner is also found involved in four other criminal cases. In response to the aforesaid submission, learned counsel for the petitioner submits that the petitioner is on bail in



all the cases.

Regard being had to the submissions made on behalf of the parties and considering the period of incarceration and the fact that the offence is triable by the Magistrate, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Patna in connection with Beur P.S. Case No. 480 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled. Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.



(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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