

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13595 of 2022

Arising Out of PS. Case No.-228 Year-2020 Thana- BARUN District- Aurangabad

Manish Ram Son Of Dilip Ram Resident Of Village - Lahana, P.S.- Gahmar,
District - Ghazipur (U.P.) At Present Village - Nonar, P.S.- Ramgarh, District -
Kaimur (Bhabua).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 11-07-2022 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
learned APP for the State.

Petitioner seeks regular bail in connection with Barun
P.S. Case No. 228 of 2020 registered for the alleged offence
punishable under Section 379 of the Indian Penal Code.

Allegedly informant's tractor was stolen by unknown
persons and during the course of investigation the same was
recovered from the possession of this petitioner.

The main submissions advanced by learned counsel
for the petitioner are that the alleged stolen tractor was not
recovered from the conscious possession of the petitioner as



clearly evidents from the seizure list according to the prosecution's allegation the said tractor was recovered behind the house of one Jawahar Ram who happens to be the father-in-law of the petitioner and petitioner was arrested from his sasural on 26.11.2020 and thereafter he was remanded in the present case and he has been languishing in jail since 10.12.2021 in the present case. Further submission is that against the petitioner there is criminal antecedent of one case in which he is on bail.

Heard both the sides and perused the FIR and the seizure memo of the alleged stolen tractor. As per the seizure, the alleged stolen tractor is stated to have been recovered from a common place situated outside the house of petitioner's father in law, and as per petitioner's petition, the investigation has been completed in respect of petitioner. Considering these facts as well as petitioner's custody period, in my view a lenient approach can be taken in respect of petitioner's prayer 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 concerned Court in Connection with Barun P.S. Case No. 228 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 tempers 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.

(4) 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 Bhabua (Sonhan) P.S. Case No. 757 of 2020 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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