

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17121 of 2022

Arising Out of PS. Case No.-11 Year-2022 Thana- CHAKIA District- East Champaran

Arjun Kumar S/o Mohan Patel R/o Mohalla- Bhawanipur Zirat, P.S.-
Chatauni, District- East Champaran. Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr.Madan Mohan, Advocate

For the Opposite Party/s : Mr.Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 15-07-2022 Heard Mr. Madan Mohan, learned counsel for the
petitioner and Mr. Choubey Jawahar, learned APP for the State
in Virtual Court Proceeding.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The petitioner is in custody in connection with
Chakia P.S. Case No. 11 of 2022 under sections 401, 413 and
414 of the Indian Penal Code.

Allegation against him is that the police upon
information raided his shop and found some scrap materials of
the road roller. Admittedly, the persons who were there to get
the said road roller turn into a scrap had not produced any valid
documents.

Learned counsel for the petitioner submits that in
this case the petitioner was driver of a Santro Car which
according to the counsel for the petitioner was owned by one



Gautam Kumar who has given an affidavit to this effect (as attached as Annexure-2 to the bail application). It is further submitted by him that the accused Mohan Mishra had requested Gautam Kumar to lend his vehicle so that he could get his wife admitted in a hospital who was in serious condition.

In the aforesaid circumstances, the petitioner was found to be present at the place of occurrence where the police had come and seized road roller.

Learned counsel for the petitioner further submits that one co-accused namely Ram Balak Prasad has since been released on bail vide Cr. Misc. No. 15534 of 2022 vide order dated 11.7.2022.

Taking into account the aforesaid facts that the charge-sheet stands submitted and the petitioner is in custody since 10.01.2022 (as stated in para-20 of the bail application) as also the fact that one of the accused has since been granted bail, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, in connection with Chakia P.S. Case No. 11 of 2022 subject to the following conditions:



(i) one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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