

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17341 of 2022

Arising Out of PS. Case No.-67 Year-2022 Thana- GAURICHAK District- Patna

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KALLU KUMAR @ SUJEEV KUMAR @ SANJEEV KUMAR Son of Ram
Ekbal Das Resident of Village - Udaypur, P.s.- Gaurichak, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shyamal Prakash, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-07-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with P.S.
Case no. 67 of 2022 registered for the offence under Section
379 of the Indian Penal Code.

The motor-cycle of the informant is alleged to have
been stolen away by the petitioner.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case merely
on the basis of suspicion. He further submits that no such
motor-cycle, as alleged in the FIR, of the informant has been
recovered from the possession of the petitioner. He further



submits that it appears from the FIR that the alleged date of occurrence is of 23.01.2022 whereas the FIR is said to have been instituted on 04.02.2022 after lapse of 11 days without any plausible explanation. He further submits that as a matter of fact, the petitioner happens to be a motor mechanic and he was well versed with the informant but on account of some dispute arose between them, the informant himself produced the petitioner before the police alleging that he has stolen his motorcycle. The petitioner was not apprehended from the spot nor anything has been recovered from his exclusive possession. He further submits that the police after investigation has submitted charge-sheet in this case. The petitioner is rotting in judicial custody since 05.02.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, 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 learned Court below where the case is pending in connection with Gaurichak P.S. Case No. 67 of 2022 with 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 and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that 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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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