

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28322 of 2021

Arising Out of PS. Case No.-18 Year-2020 Thana- BETTIAH CITY District- West
Champaran

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RAMBABU KUMAR S/o Vijay Raut @ Vijay Pal Resident of Village-
Sirisiya Vishwas, P.S.- Bettiah Town, Kalibagh, Sirisiya O.P. District- West
Chamapran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate

For the Opposite Party/s : Mr. Indu Kumari Shrivastava, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 27-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner, who is in custody since 23.01.2020, seeks
regular bail in connection with Bettiah Town (Kalibagh O.P.)
P.S. Case No. 18 of 2020 registered for offences punishable
under Section 379 of the Indian Penal Code.

Prosecution case, in brief, is that unknown thieves
stolen away Bolero vehicle bearing Registration No. BR28E-
1953 of the informant Awadhesh Prasad in the night of
09.01.2020 from Purani Gudari near Muril Bhawani Temple,



Bettiah.

Learned counsel appearing on behalf of the petitioner submits that the petitioner has falsely been implicated in the present case merely on suspicion. He is not named in the F.I.R. and other accused persons have already been enlarged on bail. Petitioner is in custody since 23.01.2020. Hence, the present petitioner deserves to be enlarged on bail.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner and submits that petitioner is a habitual offender and as such he is not entitled to be enlarged on bail.

Considering the facts and circumstances of the case, petitioner is in custody since 23.01.2020 and the petitioner having not been named in the F.I.R., the Court below is directed to obtain antecedent report from the concerned Superintendent of Police and if it is found that no other criminal case is pending against the petitioner as what has been stated in paragraph No. 3 of the present bail application, the petitioner, above named, is directed to be enlarged on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., West Champaran, Bettiah in connection with Bettiah Town



(Kalibagh O.P.) P.S. Case No. 18 of 2020 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(Purnendu Singh, J)

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