

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19508 of 2022

Arising Out of PS. Case No.-74 Year-2022 Thana- BARBIGHA District- Sheikhpura

Murari Kumar S/o Ashok Prasad R/o village- Bhawchak, P.S.- Barbigha,
District- Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Nandan Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-08-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State in virtual court proceeding.

Petitioner seeks bail in a case registered for the offences punishable under Section 414 of the Indian Penal Code.

As per prosecution case, in brief, is that the informant Pintu Kumar is an owner of a garage. It is further alleged that the accused petitioner gave him a motorcycle for repairing and about four or five day ago, informant gave information to the accused petitioner about motorcycle that it has already been repaired. On 25.02.2022 Barbigha S.H.O. came his shop and asked about that motorcycle. On inquiry, police found that chesis number of that



motorcycle was wiped out. Then police brought motorcycle to Police Station and informant Pintu Kumar also went there and accused petitioner was also brought there. Accused confessed that this motorcycle is stolen one and he also named his associates with whom he used to sell and purchase the theft motorcycle.

Learned counsel for the petitioner submits that the petitioner has clean antecedents and he has been falsely implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that the said theft motorcycle was recovered from the motorcycle garage of the informant and nothing has been recovered from the conscious possession of the petitioner and only on the basis of suspicion the police has falsely implicated the petitioner in the present case. He further submits that the informant himself is an owner of the garage and the prosecution has not booked the informant as accused in this case and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 26.02.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees 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
Barbigha P.S. Case No. 74 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

(3) 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 antecedents, 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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