

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19398 of 2022**

Arising Out of PS. Case No.-417 Year-2021 Thana- SHEKHPURA District- Sheikhpura

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PRADEEP KUMAR @ PRARDEEP MODI S/o Bale Modi Resident of
Mohalla- Mahadev Nagar, Ward No.22, P.S.- Sheikhpura, District-
Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Parmanand Pd. Nr. Sahi

For the Opposite Party/s : Mr.Ashok Kumar

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

3 04-08-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Sheikhpura
P.S. Case No. 417/2021 registered for the offences punishable
under Sections 419, 420 and 414 of the Indian Penal Code.

As per prosecution case, the informant alongwith police
personnel reached at village Khorampur Khanda where villagers
caught four persons alongwith C.D. pump and one motorcycle and
the said accused persons informed that they were sold some theft
articles in the Kabarikhana of the present petitioner. As per seizure
list C.D. pump and motorcycle were recovered from the Kabari
shop of the petitioner and theft articles had also been seized by the
police. The petitioner was not apprehended on the spot.



Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The petitioner was not apprehended on the spot and no incriminating articles has been recovered from the possession of the petitioner. The petitioner is languishing in custody since 21.02.2022 and bears criminal antecedent of two cases in which one case lodged on the same date of occurrence and another case lodged on after the occurrence of the present case. The petitioner is owner of the Kabarikhana and at the time of search and seizure he was not present on the spot. Seizure list has not been made as per law. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner and submits that recovery has been made from the Kabari shop of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner was not apprehended on the spot, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial



Magistrate, Sheikhpura in connection with Sheikhpura P.S. Case No. 417/2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) If the petitioner is found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel his bail bond.

(Alok Kumar Pandey, J)

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