

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19827 of 2022

Arising Out of PS. Case No.-45 Year-2021 Thana- UPHARA District- Aurangabad

BIKASH KUMAR SON OF FULAN CHAUDHARY @ FULCHAND
CHAUDHARI R/O VILLAGE AND P.S.- KONCH, DISTRICT- GAYA
(BIHAR)

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamlendra Pd. Singh
For the Opposite Party/s : Mr.Gauri Shankar Gupta

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-07-2022 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
Uphara P.S. Case No. 45 of 2021 registered for the offences
punishable under Sections 379/34 of the Indian Penal Code.

As per prosecution case, the informant gave an
application before the Officer-in-charge of Uphara police station
alleging therein that on 04.08.2021 at about 9 o'clock he
proceeded for Mohaddipur Bazar from his house on motorcycle
and when he reached near Dusiyani Khandha, all of a sudden he
felt nature call as such he parked his motorcycle and after
locking the handle of motorcycle he went to attend call of



nature. In the meantime, one Bajrangi Kumar and Tiju Kumar came there and after breaking the lock of motorcycle they fled away with motorcycle. As per seizure list, the alleged motorcycle in question was recovered from possession of present petitioner.

Learned counsel for the petitioner submits that petitioner is not named in the FIR and name of petitioner has sprang up in this case on the self confessional statement of petitioner during course of investigation. Petitioner is in custody since 07.08.2021 and bears criminal antecedent of one case of similar nature in which he is on bail. Charge sheet has been submitted in the case and there is no likelihood of tampering the evidence. He further submits that while rejecting the prayer of bail of the petitioner the learned Sessions Judge has observed that there is confession of the petitioner but the same has no evidentiary value in the eyes of law. He further submits that alleged motorcycle in question has been recovered from compound of Panchanpur O.P. Seizure list has not been made as per law.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the



case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering the evidence and also taking into consideration the material available on record, 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 Judicial Magistrate, 1st Class, Aurangabad in connection with Uphara P.S. Case No. 45 of 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 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.

(Alok Kumar Pandey, J)

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