

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21469 of 2022**

Arising Out of PS. Case No.-142 Year-2021 Thana- SAHARGHAT District- Madhubani

MANISH KUMAR Son of Mahendra Sahni Resident of Village - Saharghat
Mukhiyapatti, P.S.- Sharghat, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Advocate.

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

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER**

3 16-08-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Ratanakar Jha, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Saharghat P. S. Case No. 142 of 2021 registered for the offences punishable under Sections 379, 341, 413 read with 34 of the Indian Penal Code.

As per the prosecution case, it is alleged that the police, on a secret information that a person is standing with a stolen motorcycle for the purposes of selling it, apprehended the



petitioner, who was standing beside the motorcycle.

Learned counsel appearing on behalf of the petitioner submitted that from the tenor of the F.I.R., it is evident that the petitioner was neither riding the motorcycle nor the alleged recovery has been made from his possession rather it appears that while the petitioner was standing beside the motorcycle, he was apprehended by the police on suspicion. It is next submitted that there is no complaint or F.I.R. with regard to the theft of the motorcycle, which is said to have been recovered from the possession of this petitioner. It is also submitted that this petitioner having fair antecedent, is in custody since 01.11.2021 and moreover, after completion of the investigation, the charge sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner confessed his guilt before the police and the stolen motorcycle was recovered from his possession.

Having considered the submissions made on behalf of the parties and taking into account the nature of allegation, apart from the fact that the petitioner having fair antecedent, is in custody since 01.11.2021 and moreover, no complaint/F.I.R. is found instituted with regard to the alleged recovered



motorcycle, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate-II, Benipatti in connection with Saharghat P. S. Case No. 142 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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