

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22895 of 2022

Arising Out of PS. Case No.-532 Year-2021 Thana- CHANDI District- Nalanda

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Dharmbir Kumar, Son of Laxmi Prasad, R/o- Village- Kachhariya, P.S.-
Chandi, District- Nalanda ... Petitioner/s

Versus

The State of Bihar ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-07-2022 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, within a

period of four weeks from today.

Heard Mr. Anil Kumar Singh, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Chandi P.S. Case No. 532 of 2021 registered
for the offences punishable under Sections 414, 420/34 of the
Indian Penal Code.

As per prosecution case, it is alleged that the police on
a secret information, raided the house of one Jodhan Ram and
on search being made two motorcycles were seized. The police
also apprehended Jodhan Ram and Banti Bihari, and on the
disclosure made by them, the police raided the house of the
petitioner, from where one motorcycle was also seized.

It is submitted by the learned counsel appearing on



behalf of the petitioner that the alleged recovered motorcycle is not stolen one, rather the same has been purchased from a Kawari shop. It is further submitted that no case of theft was instituted in connection with the aforesaid recovered motorcycle nor there is any claimant of the same. It is next submitted that this petitioner is in custody since 28.12.2021 and moreover the investigation of the crime is already completed and only because of the past criminal antecedent, his name has been implicated.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the stolen motorcycle has been recovered from the possession of this petitioner.

Having regard to the submissions made on behalf of the parties and considering the fact that neither a case of theft with regard to the alleged recovered motorcycle has been instituted nor there is any claimant of the same and moreover the petitioner is in custody since 28.12.2021, let the petitioner, named above, 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 Additional Chief Judicial Magistrate, Hilsa, Nalanda in connection with Chandi



P.S. Case No. 532 of 2021, subject to the condition that one of the bailors will be the close relatives 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.

(v) 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 antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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