

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21703 of 2022**

Arising Out of PS. Case No.-132 Year-2021 Thana- MADANPUR District- Aurangabad

MAHESH KUMAR S/o Chandra Yadav @ Ramchandra Yadav Resident of
Village- Jabra, P.S.- Hunterganj, District- Chatra (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Javed Jafar Khan, Adv.

For the Opposite Party/s : Ms. Indu Kumari Srivastava, Adv.

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

2 14-06-2022 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
Madanpur P.S. Case No. 132/2021 registered for the offences
punishable under Sections 379 of the Indian Penal Code, later
on charge sheet has been submitted under Sections 379/411 the
Indian Penal Code.

As per prosecution case, on 05.06.2021 the informant
had parked his motorcycle at his house. On the next day
morning, he found that his motorcycle was not there at the place
where he had kept the same. The informant searched his
motorcycle, but did not find it. Later on the stolen motorcycle



was recovered by the police from the possession of the petitioner.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case merely on suspicion. The petitioner is not named in the FIR, his name has been roped in the said case. He further submits that the petitioner is in custody since 29.01.2022 and petitioner bears criminal antecedent of one case. Charge sheet has been submitted in the case and there is no likelihood of tampering the evidence.

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

Considering the facts and circumstances of the case as well as period of custody and taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad (Bihar) in connection with Madanpur P.S. Case No. 132/2021, subject to following conditions:-

(i) One of the bailor shall be either father or mother or



sister or brother or wife or the person who 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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