

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25069 of 2022**

Arising Out of PS. Case No.-81 Year-2022 Thana- SHEKHPURA District- Sheikhpura

Congress Kumar Son Of Arun Bind R/O Village- Kare, P.S.- Sheikhpura,
District- Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bipin Kumar, Advocate.

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 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. Bipin Kumar, 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 Sheikhpura (Sirari O.P.) P. S. Case No.



81 of 2022 registered for the offences punishable under Sections 379 and 414 of the Indian Penal Code.

In a nutshell, the prosecution case is that while the Police party was on patrolling duty, they apprehended the petitioner, who was riding on a motorcycle, which is found to be stolen one. On interrogation, he disclosed that the motorcycle has been purchased by him from a co-villager, Mithun Bind on payment of Rs. 13,000/-. It is further alleged that from the possession of co-accused Mithun Bind two other motorcycles were also recovered.

Learned counsel appearing on behalf of the petitioner submitted that with regard to the theft of motorcycle no complaint/F.I.R. was found to be instituted. It is next submitted that in fact, the recovered motorcycle was purchased by the petitioner from co-accused Mithun Bind on payment of Rs. 13,000/- on the assurance that he would provide the papers of motorcycle later on. It is further submitted that two of the co-accused persons namely, Santosh Kumar and Ganesh Kumar have already been granted bail by this Hon'ble Court in Cr. Misc. No. 20500 of 2022 and Cr. Misc. No. 23331 of 2022 vide orders dated 10.08.2022 and 16.08.2022 respectively. It is lastly submitted that this petitioner is in custody since 03.03.2022,



having fair antecedent and moreover, the investigation of the crime is already completed and the charge sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application.

Having considered the submissions made on behalf of the parties and taking into account the period of custody as also the fact that the other co-accused persons, on whose confession the recovery has been made, have already been granted bail by learned co-ordinate Bench of this Hon'ble Court, 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 Chief Judicial Magistrate, Sheikhpura in connection with Sheikhpura (Sirari O.P.) P. S. Case No. 81 of 2022, 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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