

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.26488 of 2022**

Arising Out of PS. Case No.-57 Year-2022 Thana- BETTIAH CITY District- West  
Champaran

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BALISTER MUKHIYA SON OF JADU MUKHIYA RESIDENT OF  
VILLAGE- BAIJUA, P.S- SRINAGAR, DIST- WEST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

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

2      13-07-2022                      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 Bettiah  
Town P.S. Case No. 57 of 2022 registered for the offences  
punishable under Sections 379/411/413/414/34 of the Indian  
Penal Code.

As per prosecution case, there is alleged recovery  
of two motorcycle in question from the possession of the  
petitioner namely Balister Mukhiya.

Learned counsel for the petitioner submits that  
petitioner is in custody since 24.01.2022. Petitioner bears no



criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that nothing has been recovered from the possession of the petitioner. The name of petitioner has come in the present case in the confessional statement of the co-accused, Rajan Kumar. Petitioner has no concern with the alleged occurrence.

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

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution 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 Chief Judicial Magistrate, Bettiah, West Champaran in connection with Bettiah Town P.S. Case No. 57 of 2022, 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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