

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26540 of 2022

Arising Out of PS. Case No.-201 Year-2021 Thana- KASHICHAK District- Nawada

Raj Bikash, Son of Sri Indradev Singh, Resident of Village Naro Murar, P.S.
Warisaliganj, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Devendra Prasad Singh, Advocate
For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 23-08-2022 At the outset, learned counsel for the petitioner seeks permission to make necessary correction in para 16 of the bail application.

Permission is accorded.

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. Devendra Prasad Singh, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Kashichak P.S. Case No. 201 of 2021 registered for the offences punishable under Section 379 of the Indian Penal Code.

As per prosecution case, it is alleged that while the



informant was sleeping, in the meantime, he woke up after having heard some sound and thereupon he saw that a person wearing red shirt fleeing away by taking his motorcycle.

Learned counsel appearing on behalf of the petitioner submits that on the same day after institution of the present case, Kashichak P.S. case no. 202 of 2021 has been instituted by the police personnel alleging therein that the petitioner was arrested along with one another motorcycle and on interrogation he confessed that he had stolen the motorcycle, in question, which was later on recovered by the police. It is further submitted that prior to the institution of both these cases, the petitioner had no criminal antecedent, however, only on suspicion the name of the petitioner has been implicated in this case, though the petitioner has neither been put on TIP nor the alleged stolen motorcycle has been recovered from the conscious possession of the petitioner. It is lastly submitted that in a case instituted for theft, the petitioner is in custody since 26.11.2021.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the petitioner was arrested along with the stolen motorcycle and on his confession recovery has been made.

Having regard to the submissions made on behalf of



the parties and considering the period of custody, as also the fact that prior to the institution of this case, the petitioner had no criminal antecedent, 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-I, Nawada in connection with Kashichak P.S. Case No. 201 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 physically 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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