

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26201 of 2022

Arising Out of PS. Case No.-336 Year-2021 Thana- MADHUBANI TOWN District-
Madhubani

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KANHAIYA BHARDWAJ SON OF RAM BABU RAM R/O VILLAGE-
PRAGATI NAGAR, P.S.- MADHUBANI, DISTRICT- MADHUBANI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. D.K. Sinha, Sr. Advocate
		Mr. Ravi Prakash, Advocate
For the Opposite Party/s	:	Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 18-08-2022 Heard learned Senior Counsel for the petitioner and

learned counsel for the State.

Let the defect(s), if any, as pointed out by the office

be removed within four weeks.

The petitioner is in judicial custody in connection

with Madhubani Town P.S. Case No. 336 of 2021 for the

offences under Section 392 of the Indian Penal Code.

As per the allegation in the FIR, the informant and his

staff had gone to Darbhanga for marketing and as they were

returning to Madhubani at night, they were intercepted and on

the point of pistol, motorcycle was looted as also a gold ‘locket’

and Rs. 70,000/- cash. This led to the lodging of the aforesaid

FIR.



Learned Senior Counsel for the petitioner submits that subsequently the staff of the informant was arrested and he made a confessional statement and named this petitioner as the person who had conspired. Accordingly, the said motorcycle was recovered/seized from the house of the petitioner herein.

The Senior counsel for the petitioner submits that the said Rajeev Kumar Mishra staff of the informant was known to him and had requested to park the motorcycle in his house and under *bona fide* belief that the motorcycle belonged to the said person, he had allowed him to park the same. However, for the same, he has already suffered only because he has criminal antecedent. The last submission is that the petitioner is in custody since 26.10.2021 (as stated in paragraph-1 of the bail application).

Considering the fact that on the confessional statement of the staff of the informant the name of the petitioner has come, he is in custody since 26.10.2021 and charge sheet stands submitted, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released after framing charge on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of Chief



Judicial Magistrate, Madhubani in connection with Madhubani
Town P.S. Case No. 336 of 2021, subject to the following
conditions:-

(i) one of the bailor should be the family member of
the petitioner, who shall provide official document to show
his/her *bona fide*;

(ii) the petitioner shall appear on each and every date
before the Trial Court and failure to do so for two consecutive
dates without plausible reasons will entail his cancellation of
bail by the Trial Court itself;

(iii) he shall appear before the concerned police
station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any
criminal offence again failing which the State shall be at liberty
to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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