

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26030 of 2022

Arising Out of PS. Case No.-294 Year-2021 Thana- EKANGARSARAI District- Nalanda

LAL GULAB @ LALA Son of Surendra Prasad Resident of Village -
Golapar, Police Station - Deep Nagar, District - Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh

For the Opposite Party/s : Mr.Nirmal Kumar Sinha

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
Ekankarsarai P.S. Case No. 294 of 2021 registered for the
offences punishable under Section 379 of the Indian Penal
Code.

As per prosecution case, the motorcycle of the
informant has been stolen in front of Ravi Kirana shop. The FIR
has been lodged against unknown.

Learned counsel for the petitioner submits that
petitioner is not named in the FIR and the FIR has been lodged
against unknown. He further submits that during course of
investigation, motorcycle in question was recovered from the



house of Ravish Kumar and from possession of Shailesh Kumar. Thereafter, Tharthari police station team apprehended co-accused Shailesh Kumar and recovered one live cartridge and mobile phones from his possession. He further submits that two live cartridges and mobile phone has also been recovered from possession of present petitioner due to which Tharthari P.S. Case No. 12 of 2022 has been lodged against the petitioner and other accused persons. Thereafter, police recorded confessional statement of petitioner and co-accused Ravish Kumar and Sahilesh Kumar and all have confessed their guilt. He further submits that petitioner has been remanded in this case from Tharthari P.S. Case No. 12 of 2022. He further submits that no incriminating article or stolen property has been recovered from possession of the petitioner. Petitioner is in custody since 02.03.2022 and bears criminal antecedent of two cases. 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 opposes the prayer for bail of the petitioner submitting that petitioner was apprehended along with stolen motorcycle with co-accused Ravish Kumar as indicated in the impugned order.

Considering the facts and circumstances of the



case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering the 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 Additional Chief Judicial Magistrate, Hilsa, Nalanda in connection with Ekankarsarai P.S. Case No. 294 of 2021, 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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