

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27568 of 2022

Arising Out of PS. Case No.-74 Year-2022 Thana- BARBIGHA District- Sheikhpura

Dilip Kumar Son Of Umesh Yadav Resident Of Village- Akbar Bigha, P.S-
Barbigha , Dist- Sheikhpura Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kishor Prasad, Advocate

For the Opposite Party/s : Mr.Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-08-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offence punishable under Section 414 of the Indian Penal Code.

As per prosecution case, in brief, is that the informant Pintu Kumar alleged that the accused petitioner gave him a motorcycle for repairing and about four or five day ago, informant gave information to the accused petitioner about motorcycle through mobile phone. On 25.02.2022 Barbigha S.H.O. came his shop and asked about that motorcycle. On inquiry, police found that chasis number of that motorcycle was wiped out. Then police brought motorcycle to Police Station and informant Pintu Kumar also went there and accused petitioner



was also brought there. Accused confessed that this motorcycle is stolen one and he also named his associates, with whom he used to sell and purchase the theft motorcycle.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that the name of the petitioner has been transpired on the basis of the disclosure made by co-accused, namely, Murari Kumar. Further submits that nothing has been recovered from conscious possession of the petitioner and except the confessional statement of co-accused, namely, Murari Kumar, nothing has come, during investigation, against the petitioner. Further submits that co-accused, namely, Murari Kumar has been granted bail by this Court vide order dated 05.08.2022 in Cr. Misc. No.19508 of 2022 and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 09.03.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of



the like amount each to the satisfaction of learned Court below where the case is pending in connection with Barbigha P.S. Case No. 74 of 2022, with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) 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.

And, further condition that 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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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