

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28384 of 2022

Arising Out of PS. Case No.-207 Year-2021 Thana- PURAINI District- Madhepura

Subash Kumar @ Subhash Mandal @ Subhash Kumar Mandal Son Of
Prameshwar Mandal @ Parmeshwar Mandal R/O Village- Sonma @ Sonme,
P.S.- Bhawanipur, District- Purnea

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dr. Sanjay Kumar Singh, Advocate

For the Opposite Party/s : Mr.Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The case is registered under section 379 of the
Indian Penal Code in connection with Puraini P.S. Case No. 207
of 2021.

As per the prosecution story, on 20.12.2021 the
informant parked his motorcycle near Gas Stove shop to
purchase vegetables. When he returned, the motorcycle had
disappeared. Accordingly, the FIR was lodged. Subsequently,
during the investigation, the house of Sushil Kumar Singh was
raided from where stolen motorcycle was recovered relating to



Puraini P.S. Case No. 210 of 2021. Subsequently upon confession his, the house of the petitioner was also raided and the motorcycle relating to the present case was recovered/seized from his house.

Learned counsel for the petitioner submits that Sushil Kumar Singh is his friend and he came with the motorcycle and requested to get the same parked in his house and in good faith he had kept the motorcycle thinking it to be of Sushil Kumar Singh. He further submits that for the said act of keeping the stolen motorcycle in good faith, he has suffered by being in jail since 27.12.2021 (as stated in para-13 of the bail application)

Be that as it may, the petitioner is in custody since 27.12.2021 and the charge-sheet stands submitted, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty thousand) with two sureties of like amount each to the satisfaction of learned A.C.J.M., Uda Kishunganj, Madhepura, in connection with Puraini P.S. Case No. 207 of 2021 subject to the following conditions:

(i) one of the bailors should be the family members 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 morning till conclusion of the trial to mark his presence;

(iv) he shall in no way try to induce or promise or threaten the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) 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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