

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29505 of 2022

Arising Out of PS. Case No.-366 Year-2021 Thana- GARDANIBAG District- Patna

Sunny Kumar Son Of Dina Nath Mahto R/O Village- Kewali, P.S.- Dhanarua,
District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Anand Mohan Prasad Mehta

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 22-08-2022 The learned counsel for the petitioner is directed to
remove all the defects pointed out by the Stamp Reporter within
one month.

Mr. Sanjay Kumar Singh, learned counsel for the
petitioner and Mr. Anand Mohan Prasad Mehta, learned APP for
the State are heard.

Petitioner seeks regular bail in connection with
Gardanibagh P.S. case no. 366 of 2021 registered for the offence
punishable under Section 379 of the Indian Penal Code .

As per allegation the informant's motorcycle was
stolen away from the outside of the gate of a hospital where the
motorcycle was parked by the informant.

The main submissions advanced by learned counsel
for the petitioner are that in respect of the alleged theft present
case and Masaurhi P.S. Case No. 725 of 2021 have been



registered, the present case was lodged by the informant who claims himself to be the owner of the motorcycle and the Gardanibagh P.S. case no. 366 of 2021 was lodged after the recovery of said motorcycle and both the said cases relate to the same stolen motorcycle the petitioner has been granted bail by Court below in the said Masaurhi P.S. case no. 725 of 2021. Further submission is that in the present case the investigation has been completed against the petitioner and the petitioner has been languishing in jail since 14.2.2022.

Learned APP has opposed the prayer for bail.

Heard both the sides and perused the FIR. As per the above submission the alleged stolen motorcycle has been recovered for which P.S case 725 of 2021 has been lodged at Masaurhi police station in which the petitioner has got bail from the trial Court concerned. In the present case, investigation has been completed. Considering these facts as well as petitioner's young age mentioned in his petition and his custody period and the stage of his case, in my view a lenient approach can be taken in respect of the petitioners' prayer, let the petitioner 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 concerned Court in connection with Gardanibagh P.S. case No.



366 of 2021 on 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 below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his 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.

(3) One of the bailer shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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