

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29608 of 2022

Arising Out of PS. Case No.-179 Year-2021 Thana- BARUN District- Aurangabad

Nagesh Kumar, Son of Bigan yadav, Resident of Village-Katharua, P.S.-
Aurangabad (Town), District-Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Malti Kumari, Advocate

For the Opposite Party/s : Mrs.Renuka Ratnakar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 31-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Barun P.S. Case No. 179 of 2021 corresponding to G. R. No. 1227 of 2021 registered for the alleged offences under Section 379 of the Indian Penal Code.

As per prosecution case, unknown thieves stole away the motorcycle of the informant. During investigation the name of the petitioner transpired as an accused person.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. The FIR has been registered against unknown and the petitioner has been roped in this case merely on suspicion. Nothing incriminating has been recovered from his possession. The petitioner is in custody since 11.04.2022 and he is having one case pending against him in which he is on bail.

Learned APP opposes the prayer for bail submitting that the stolen motorcycle was recovered along with country made liquor from the possession of the petitioner.

Having regard to the submissions made hereinabove and considering the submission of charge-sheet along with his period of custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad, in connection with Barun P.S. Case No. 179 of 2021 corresponding to G.R. No. 1227 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be the deponent, who



has sworn the affidavit.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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