

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29728 of 2022

Arising Out of PS. Case No.-220 Year-2021 Thana- BENIPATTI District- Madhubani

Shivam Kumar, Son of Bhola Prasad Sahani, Resident of Village - Narkatiya,
P.s.- Hathauri, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate
For the Opposite Party/s : Mrs. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 06-09-2022 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 Benipatti P.S. Case No. 220 of 2021 registered for the alleged offences under Section 379 of the Indian Penal Code.

As per prosecution case, the motorcycle of the informant was stolen by unknown thieves. Later on, the name of the petitioner came up as an accused in this case.

The learned counsel for the petitioner submits that the petitioner runs a garage and co-accused Subodh Kumar Rai



came to his garage with the motorcycle for some repair. After repairing the motorcycle, the petitioner went for trial and he was arrested by the police along with the motorcycle. The petitioner has no knowledge about the fact that motorcycle was stolen. There is no further evidence that the petitioner has committed theft of the motorcycle or has any role in the stealing of the motorcycle. The petitioner has got no criminal antecedent and he is in custody since 07.03.2022 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail submitting that motorcycle was recovered from this petitioner.

Having regard to the submissions made on behalf of the parties and further considering the period of the custody of the petitioner along with submission of charge-sheet and his clean antecedent, 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 Additional Chief Judicial Magistrate-I, Benipatti, Madhubani, in connection with Benipatti P.S. Case No. 220 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be Bhola Prasad



Sahani, father of the petitioner, who has sworn the affidavit in this case.

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

(iii) 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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