

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30948 of 2022

Arising Out of PS. Case No.-241 Year-2021 Thana- BIHARIGANJ District- Madhepura

Dharmendra Kumar @ Dharbendra Kumar S/o Hiralal Yadav @ Hiralal
Mandal R/o village- Tintanga, P.S.- Udakishunganj, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 30-08-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 411, 413, 414, 419, 420,
467, 34 of the Indian Penal Code.

According to prosecution case, in brief is that the
informant alongwith police party were checking the vehicle,
then he saw one Motorcycle upon which two persons rided.
On query they disclosed their name Rohit Kumar and Pampam
Kumar @ Pappu Kumar. On demand of paper of Motorcycle
they told that this vehicle is belonged to Dharmendra Kumar.



On verification of Motorcycle it was found that aforesaid Motorcycle was of theft.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that the name of the petitioner has been transpired on the basis of disclosure made by the co-accused persons and nothing has been recovered from the conscious possession of the petitioner.. He further submits that the stolen motorcycle was recovered from the possession of co-accused namely Rohit Kumar and Pampam Kumar @ Pappu Kumar. The petitioner is in custody since 30.10.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries three criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances, 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 the learned Court below where the case is pending in connection with Bihariganj P.S. Case No. 241 of 2021, subject to 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 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. 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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