

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30310 of 2022

Arising Out of PS. Case No.-294 Year-2021 Thana- NARPATGANJ District- Araria

=====

SUSHIL KUMAR AMIT @ AMIT KUMAR @ AMIT KR. YADAV Son of
Dev nandan Yadav @ Nandan yadav Resietn of Village- Laxmipur, Ward No.
-10, P.S.- Fulkaha, Dist.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Advocate.
For the Opposite Party/s : Mr. Ram Anurag Singh, APP.

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-09-2022 Learned counsel for the petitioner is permitted to

remove defect(s), as pointed out by the office, if any, within a

period of four weeks from today.

Heard Mr. Ramesh Kumar Singh, learned counsel for
the petitioner as well as learned Additional Public Prosecutor for
the State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Narpatganj P. S. Case No. 294 of 2021
registered for the offences punishable under Sections 379 and
411 of the Indian Penal Code.

As per the prosecution case, it is alleged that while
the informant was in a market, he found his motorcycle missing.



In course of search, one Kundan Kumar Dev informed that his motorcycle was also stolen from his door, on the basis of the aforesaid information, the F.I.R. has been instituted with regard to theft of two motorcycles.

Learned counsel appearing on behalf of the petitioner submitted that during the course of investigation, co-accused Niraj Das @ Niraj Kumar Das and Sintu Paswan were apprehended in connection with Fulkaha P. S. Case No. 157 of 2021 and on the confession made by the co-accused persons, the name of the petitioner surfaced and thereafter, he has been remanded in the present case on 27.01.2022 and since then he is in custody. It is also submitted that in fact, no motorcycle much less any stolen motorcycle has been recovered from the person or possession of the petitioner and so far other co-accused person, from whose possession the recovery has been made, has already been granted bail by this Court in Cr. Misc. No. 28710 of 2022 vide order dated 06.09.2022. It is next submitted that besides the present one, the petitioner is also named in three other cases, however, in all the cases the petitioner is on bail.

On the other hand, learned APP for the State opposes the bail application.

Regard being had to the submissions made on



behalf of the parties and taking into account the period of incarceration as well as the fact that no recovery has been made from his person or possession and moreover, the other co-accused person, having allegation that recovery has been made from his possession, has already been granted bail by this Court, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Narpatganj P. S. Case No. 294 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.



(v) 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 cancelling 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.

(Harish Kumar, J)

shakir/-

U		T	
---	--	---	--

