

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41903 of 2021

Arising Out of PS. Case No.-4 Year-2016 Thana- NAURANGIA District- West Champaran

ADYA NISHAD @ ADYA KEWAT Son of Late Shri Kishun @ Late Kishun
Kewat Resident of Village - Jungle Belwa, P.S.- Padrauna, Distt.- Kushi
Nagar (U.P.)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kr Singh No. 1

For the Opposite Party/s : Mr.Nagendra Prasad

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

9 29-08-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Naurangiya P.S. Case No. 4 of 2016 registered for the offence
punishable under Section 392 of the Indian Penal Code.

As per prosecution case, on 24.12.2015 the driver
of informant was going to drop the petitioner and other by the
bolero jeep to Ghughli but in the way the petitioner asked him to
go to Paniyawaha first from where he has to take money. When
the Bolero reached Paniyawaha two unknown persons who were
acquainted with the petitioner came and sat on the bolero jeep.



Thereafter, when the bolero jeep was in the way to Ghughli the accused persons on the pretext of urination asked the driver to stop the bolero jeep and when the driver stopped the bolero jeep, the accused persons started assaulting him. One of the accused persons started driving the bolero jeep and in deserted place they took down the driver and fled away with the bolero jeep. The informant has apprehension that the accused persons including the petitioner have committed theft of his bolero jeep.

Learned counsel for the petitioner submits that petitioner is in custody since 15.10.2020 and bears criminal antecedent of seven cases. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that nothing has been recovered from possession of the petitioner. The alleged vehicle was used by one Vipin Singh but ultimately it was found abandon by Bihar police and lastly the said vehicle is handed over to the informant. He further submits that co-accused Bipin Singh and Vijay Singh have already been granted bail by the co-ordinate Bench of this court vide Cr. Misc. Nos. 607 of 2018 and 1696 of 2018 respectively.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.



Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, nature of allegation and also taking into consideration the material available on record, **if the trial is not concluded within six months from the date of receipt/production of copy of this order**, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri Sonu Kumar, learned Judicial Magistrate, Bagaha, West Champaran in connection with Naurangiya P.S. Case No. 4 of 2016, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(Alok Kumar Pandey, J)

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