

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32062 of 2022

Arising Out of PS. Case No.-81 Year-2022 Thana- SHEKHPURA District- Sheikhpura

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DHIRAJ KUMAR S/o Amirak Paswan R/o Village- Billi/Billo, P.S.- Halsi,
District- Lakhisarai, Bihar- 811315

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashutosh Singh

For the Opposite Party/s : Ms.Pushpa Sinha.1

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 01-09-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within one

month.

Petitioner seeks regular bail in a case registered for the
offences punishable under Sections 379 and 414 of the Indian Penal
Code.

The main allegation is that several motorcycles which are
suspected to be stolen were recovered from the possession of
accused persons of this case and two motorcycles are alleged to have
been recovered from outside the house of this petitioner.

The main submissions advanced by Sri Ashutosh Singh,
the learned counsel appearing for the petitioner are that against the
petitioner there is one criminal antecedent in which he is on bail,
search and seizure of the recovery was not made at the place of
occurrence rather the same was prepared at the police station,



petitioner has been languishing in jail since 3.3.2022 and investigation has been completed in respect of the petitioner. Further submission is that co-accused Santosh Kumar has been granted bail by this court vide order passed in Cr. Misc. no. 20500/2022.

Smt. Puspa Sinha I, learned APP appearing for the State has opposed the prayer for bail.

In view of above submissions and considering the fact that investigation has been completed in respect of the petitioner and alleged offences are triable by Magisterial court and similarly situated co-accused has been granted bail by this court, in the opinion of this court, a lenient approach can be taken in respect of the petitioner. Let the petitioner 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 Chief Judicial Magistrate, Sheikhpura in Sheikhpura (Sirari O.P) P.S Case No. 81 of 2022 on 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 below and shall remain physically present as directed by the Court below 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) One of the bailers shall be close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

The court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent other than of Halsi P.S Case No. 214 of 2021 of the petitioner is found then the court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J)

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