

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32639 of 2022

Arising Out of PS. Case No.-61 Year-2021 Thana- KURTHA District- Jehanabad

SHAILESH KUMAR Son of Tapeswar Yadav Resident of Village -
Kakariya Mathiya, P.S.- Jehanabad (Kalpa O.P.), Dist.- Jehanabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nitya Nand Neeraj
For the Opposite Party/s : Mr.Raj Ballabh Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-07-2022 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 Kurtha
P.S. Case No. 61 of 2021 registered for the offences punishable
under Sections 379, 414, 34 of the Indian Penal Code.

As per prosecution case, the informant has parked the
motorcycle in question near the house of Abhishek Singh and
after ten minutes the motorcycle in question was missing out
from there.

Learned counsel for the petitioner submits that
petitioner is in custody since 04.02.2022. Petitioner bears
criminal antecedent of one case. Charge sheet has already been



submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the petitioner is not named in the F.I.R. The name of present petitioner sprang up during the course of investigation. The stolen motorcycle has been recovered in Jehanabad (Karauna O.P.) P.S. Case No. 27 of 2022 and the petitioner is made accused in this case merely on suspicion. The petitioner bears criminal antecedent of one case but prior to present occurrence there is no previous criminal history of the present petitioner.

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 as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, and also taking into consideration the material available on record, 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 learned C.J.M., Arwal in connection with Kurtha P.S. Case No. 61 of 2021, 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.

(Alok Kumar Pandey, J)

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