

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41948 of 2021

Arising Out of PS. Case No.-14 Year-2021 Thana- ALAMNAGAR District- Madhepura

=====

ASHISH KUMAR S/O RUPLAL SAH RESIDENT OF VILLAGE-FULOUT
(WEST), WARD NO. 2, P.S.-FULOUT CHOUSA, DISTRICT-
MADHEPURA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Bijendra Kumar Singh, Advocate.

For the Opposite Party/s : Mrs. Asha Devi, APP.

=====

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 24-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner, who is in custody since 29.01.2021,
seeks regular bail in connection with Alam Nagar P.S. Case No.
14 of 2021 for the offence punishable under Section 414/34 of
the Indian Penal Code.

The prosecution case, in brief, is that on secret
information with respect to sale of stolen motorcycles, when the
police reached at the place of occurrence, two persons tried to
flee away, but they were apprehended by the police. They
disclosed their name as the petitioner Ashish Kumar and one



Nitish Kumar. On demand, they could not produce valid documents of the motorcycle and a Apache motorcycle bearing Engine No. 0E4DC2361827 and Chassis No. MD634KE47C2B75865 was seized.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. He has been arrested in this case merely on suspicion and the police got his signature forcibly on a blank paper which was converted into seizure list. The seizure list bears only the signature of the petitioner while there is no signature of the other accused on the seizure list. Petitioner has clean antecedent and is in custody since 29.01.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the aforementioned facts and circumstances of the case, period of custody of the petitioner, nothing has been recovered from the possession of the petitioner, there is no allegation of tampering with the evidence or influencing the witnesses and there is no chance of completion of trail in near future due to COVID-19, the



petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-I, Udakishunganj in connection with Alam Nagar P.S. Case No. 14 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

mantreshwar/-

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

