

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32863 of 2022

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

Ashok Kewat S/o Yogendra Kewat R/o village- Gangta Tola, Kalbheri, P.S.-
Sadar (Amhara O.P.), District- Lakhisarai

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Nandan Prasad, Advocate.

For the Opposite Party/s : Mr. Rajiv Nayan, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 05-09-2022 The learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Mr. Sheo Nandan Prasad, learned counsel for the petitioner and Mr. Rajiv Nayan, learned APP for the State are present.

Petitioner seeks regular bail in connection with Sheikhpura Sirari O.P. P.S. case no. 81 of 2022 registered for the offences punishable under Sections 379 and 414 of the Indian Penal Code.

As per allegation, stolen motorcycles, were recovered from the possession of co-accused persons who made disclosure statement, following that the petitioner's house was raided by the police and a motorcycle and a mobile phone were recovered from the house of this petitioner and the same are alleged to be stolen and the present case relates to recovery of several stolen motorcy-



cles and mobile phones.

The main submissions advanced by Mr. Sheo Nandan Prasad, learned counsel for the petitioner are that the petitioner has clean antecedent and languishing in jail since 3.3.2022 and recovery of alleged motorcycle and mobile phone was not made from the conscious possession of this petitioner and the petitioner had no concern with other co-accused persons and two similarly situated co-accused persons namely Santosh Kumar and Ganesh Kumar have been granted bail by a co-ordinate bench of this Court vide orders passed in Cr. Misc. no. 20500 of 2022 and 23331 of 2022 and the petitioner's case stands on similar footing with them.

Mr. Rajiv Nayan, learned APP has opposed the prayer for bail.

In view of above submissions and considering the petitioner's clean antecedent and his custody period and against him the investigation has been completed and two similarly situated co-accused persons have been granted bail by a co-ordinate Bench of this Court vide orders passed in above mentioned Cr. Misc. cases in the opinion of this Court, a lenient approach can be taken in respect of petitioner's prayer, 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 concerned Court in connection with 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 a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(4) 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 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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