

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43635 of 2021**

Arising Out of PS. Case No.-7 Year-2021 Thana- MADHEPURA District- Madhepura

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GUNJAN KUMAR @ RAMAKANT KUMAR Son of Kewal Mandal
Resident of Village- Khap Tola, Shankarpur, Ward No-12, P.S.- Shankarpur,
District- Madhepura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr. Ramchandra Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 02-02-2022 Heard the parties through video conferencing.

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

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

Petitioner, who is in custody since 25.01.2021, seeks
regular bail in connection with Madhepura P.S. Case No. 07 of
2021 registered for offences punishable under Section 379 of the
Indian Penal Code.

Prosecution case, in brief, is that one Ashik Kumar
(Informant), filed a written complaint before S.H.O., Sadar
Thana, Madhepura that his motorcycle bearing Registration No.
BR50N-3084, registered in the name of his father has been



stolen by some unknown persons. In course of investigation, the said motorcycle was recovered from in front of the house of the petitioner. Petitioner was apprehended on the basis of confessional of two co-accused Raushan Kumar and Amit Kumar.

Learned counsel appearing on behalf of the petitioner submits that nothing has been recovered from the conscious possession of the petitioner. On the basis of confessional statement of two co-accused persons, the petitioner has been roped in the present case. He further submits that petitioner has clean antecedent and he is in custody since 25.01.2021. Petitioner is a student and there is no allegation of tampering the evidence or influencing the witnesses and as such the petitioner be released on bail.

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

Considering the above mentioned facts and circumstances of the case, the named of the petitioner has surfaced in the present case on the basis of confessional statement of two co-accused persons who have already been enlarged on bail by the Court below, motorcycle has already been recovered, the petitioner has clean antecedent and there is



no allegation of tampering the evidence or influencing the witnesses as well as trial is not likely to be concluded soon due to COVID-19, the petitioner, above named, is directed to be enlarged on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura in connection with Madhepura P.S. Case No. 07 of 2021 subject to the following conditions:

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

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

(iii) 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.

(Purnendu Singh, J)

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