

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33639 of 2022

Arising Out of PS. Case No.-390 Year-2021 Thana- GARDANIBAG District- Patna

NIRAJ KUMAR Son of Late Ramanand Yadav Resident of village - Dihuri,
P.S.- Hulashganj, District - Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr.Advocate
	:	Ms. Kshama Sharma, Advocate
	:	Mr.Lakshmi Kant Sharma, Advocate
For the Opposite Party/s :	:	Mr.Ajay Kumar No. 2,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-09-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the offence under Sections 379 of the Indian Penal Code but the police after investigation submitted chargesheet under Sections 379/414 of IPC.

The motorcycle of the informant is said to have been stolen.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been



implicated in the present case. Further submits that the petitioner was arrested mainly on the basis of suspicion. Petitioner has no concern with the seized motorcycle in question. Further submits that it appears from the FIR itself that the informant has admitted in the FIR that the alleged thieves had already been recorded in CCTV Camera but till date they have not taken any step to put the petitioner on T.I.P. and the petitioner was arrested in Arwal P.S.Case No.283 of 2021 and remanded in this case on 17.11.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the fact and circumstances of the case, let the petitioner, above named, 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 learned court below where the case is pending in connection with Gardanibagh P.S.Case No.390 of 2021 with 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 and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient



reason, his/her 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) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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