

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37278 of 2022

Arising Out of PS. Case No.-201 Year-2022 Thana- HARSIDHI District- East Champaran

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Deepu Kumar S/o Manoj Ram R/o village- Murarpur, P.S.- Harsidhi, District-
East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kundan Rathore@ Kundan Kumar, Adv.

For the Opposite Party/s : Mr. Jagdhar Prasad, APP.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 22-09-2022 Let the defect(s), if any, be removed within two weeks
from today.

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

The petitioner seeks regular bail in connection with
Harsidhi P.S. Case No. 201 of 2022, lodged under Sections 413,
414 of the Indian Penal Code.

As per the prosecution case, upon secret informant the
Police has reached a village namely Murarpur where two
motorcycles were recovered which was subject to sale, two
persons including the present petitioner was also recovered and
one motorcycle was recovered from the house of petitioner,
upon demand of document he was not in a position to provide
the same, as such the Police confirmed that it is a motorcycle

subject to theft.

Learned counsel for the petitioner submits that the alleged recovery is become full of defects and there is a gross violation of Section 100 of Cr.P.C. and there is no independent witness. He further submits that petitioner is in custody since 07.05.2022, having clean antecedent and charge sheet has already been filed in this case.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Harsidhi P.S. Case No. 201 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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