

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43404 of 2021

Arising Out of PS. Case No.-193 Year-2021 Thana- BARBIGHA District- Sheikhpura

KAUSHAL KUMAR Son of Gandhi Mahto Resident of Village- Janpur, P.S.-
Birupur, District- Luckhisarai. At present resides at Village- Dih, P.S.- Kewti
O.P. (Barbiga), District- Sheikhpura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Syed. Rizwanul Haque

For the Opposite Party/s : Mrs.Renu Kumari

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 20-06-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

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

The petitioner seeks bail in connection with
Barbiga P.S. Case No. 193 of 2021 registered for the offences
punishable under Sections 413, 414, 34 of the Indian Penal
Code.

As per prosecution case, it is alleged that two
motorcycles in question, one touchscreen mobile and one master
key have been recovered from possession of the petitioner.

Learned counsel for the petitioner submits that
petitioner is in custody since 29.06.2021 and bears no criminal



antecedent. He further submits that petitioner is innocent and has committed no offence and has been falsely implicated in the instant case. So far as allegation of recovery of master key is concerned, it is totally false to say that actually the said master key is lying in the garage near the Saw Mill of Indu Singh. Petitioner is only to repair and wash the vehicles of the customer as the petitioner is garage mechanic. Nothing has been recovered from conscious possession of the petitioner. He further submits that Apache motorcycle was purchased by the petitioner from co-accused Dhiraj Kumar and another motorcycle was purchased from co-accused Sandip Kumar and petitioner has no any role nor any participation in the said crime. Co-accused Sandip Kumar has been granted bail by the co-ordinate Bench of this court vide Cr. Misc. No. 44918 of 2021.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of learned Chief Judicial Magistrate, Sheikhpura in connection with Barbigha P.S. Case No. 193 of 2021, subject to following conditions:-

(i) One of the bailor shall be either father or mother or sister or brother or wife or the person who sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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