

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35573 of 2022

Arising Out of PS. Case No.-155 Year-2022 Thana- HARSIDHI District- East Champaran

SHALU KUMAR Son of Rambabu Sharma @ Shree Rambabu Sharma
Resident of Village - Areraj, PS.- Govindganj (Areraj O.p.), Distt.- East
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Pandey, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-09-2022 Heard learned counsel for the petitioner and learned
APP for the State in Virtual Court Proceeding.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The case is registered under Sections
406/420/413/414/34 of the Indian Penal Code in connection
with Harsidhi P.S. Case No. 155 of 2022.

As per the prosecution story, the police saw a Suzuki
car standing and six persons sitting in it. When police tried to
intercept the accused persons they tried to escape. Upon search
blank papers was found between Rs. 100 notes as also the
chassis number of the car was scratched. Accordingly, the
materials were seized, seizure list prepared, FIR instituted and



petitioner and another accused persons who were apprehended, were arrested.

Learned counsel for the petitioner submits that the car belonged to co-accused Niraj Kumar and at best he could be treated as mere passenger in it. So far as currency note is concerned, he had nothing to do with it. His last submission is that he has already suffered by being in custody since 13.4.2022 despite the fact that he has clean antecedent.

Considering the aforesaid facts that the petitioner has clean antecedent, has been in custody since 13.4.2022 and nothing incriminating has been recovered from his conscious possession, this Court is inclined to grant him the privilege of bail. However if it is found he do have criminal antecedent, the bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of CJM Motihari in connection with Harsidhi P.S. Case No. 155 of 2022 subject to the following conditions:

(i) one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;



(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Ravi/Ajay Singh

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