

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44762 of 2021

Arising Out of PS. Case No.-235 Year-2021 Thana- BAGHA District- West Champaran

NIRBHAY KUMAR Son of Awdhesh Gond Resident of Village - Goiti Ward
No. 16, Post - Narwal Barwal, P.S.- Bagaha, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suresh Prasad Sharma, Advocate.

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 11-02-2022 Heard the parties through video conferencing.

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

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

The petitioner, who is in custody since 08.05.2021,
seeks regular bail in connection with Bagaha (Pathkhuli) P.S.
Case No. 235 of 2021 for the offence punishable under Sections
379, 413 and 414/34 of the Indian Penal Code.

The prosecution case, in brief, is that a motorcycle
bearing Registration No. BR 22 AA 2275 belonging to the
informant was stolen by some unknown persons.

Learned counsel appearing on behalf of the petitioner



submits that the petitioner is innocent and he has not committed any offence as alleged. Due to dirty village politics and previous enmity with ulterior motive, the petitioner has been roped in the present case. The name of the petitioner has surfaced in course of investigation on his confessional statement in police custody. Nothing has been recovered from conscious possession of the petitioner. As such the petitioner be released on bail taking into consideration that there is no allegation of tampering with the evidence or influencing the witnesses against the petitioner. Petitioner is in custody since 08.05.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner and submits that petitioner is having one criminal antecedent, as such he should not be released on bail.

Considering the aforementioned facts and circumstances of the case, period of custody of the petitioner, nothing has been recovered from the conscious possession of the petitioner, there is no allegation of tampering with the evidence or influencing the witnesses and there is no chance of completion of trial soon due to COVID-19, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties



of the like amount each to the satisfaction of the learned Addl. Sessions Judge, Bagaha, West Champaran in connection with Bagaha (Pathkhuli) P.S. Case No. 235 of 2021, subject to the following conditions:-

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

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

(3) 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.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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