

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45041 of 2021

Arising Out of PS. Case No.-44 Year-2021 Thana- BUNIYAD GANJ District- Gaya

SHIVA KUMAR @ CHUTARIA Son of Birju Ravidas Resident of Village-
Manpur Kalali Road, Anusuchit Dharamshala, P.S.- Buniyadganj, District-
Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Adv.

For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-02-2022 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 through video conferencing.

The petitioner seeks bail in connection with
Buniyadganj P.S. Case No. 44 of 2021 registered for the
offence under Sections 379 and 411 of the Indian Penal
Code.

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

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is



innocent and has falsely been implicated in this case. He further submits that the petitioner has not been named in the F.I.R. rather he has been made accused in this case merely on the basis of confessional statement of the co-accused, Babloo Bindas. In fact, nothing incriminating has been recovered from the conscious possession of the petitioner. The police after investigation has submitted charge sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 17.03.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 A.C.J.M.-VIII, Gaya in connection with Buniyadganj P.S. Case No.44 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 canceled



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.

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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