

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47419 of 2021

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

1. GUDDU GOND @ GUDDU SAH S/o PRABHU GOND R/o VILLAGE-NUNIYA TOLA, BISHAMBHARPUR, P.S-BHAIROGANJ, DISTRICT-WEST CHAMPARAN (BETTIAH).
2. PAPPU CHAUDHARY S/o SETAWAN CHAUDHARY @ SATVAN CHAUDHARY R/o VILLAGE-NUNIYA TOLA, BISHAMBHARPUR, P.S-BHAIROGANJ, DISTRICT-WEST CHAMPARAN (BETTIAH).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh
For the Opposite Party/s : Mr. Anil Prasad Singh

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 14-02-2022 The matter has been taken up today for consideration through video conferencing.

Heard learned counsel for the petitioners and learned APP for the State.

This Court would expect that the petitioners' counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioners seek bail in connection with Bagaha Pathkhauri P.S. Case No. 235 of 2021 registered under Sections 379, 413, 414 and 34 of the Indian Penal Code.

Informant has lodged the case alleging theft of his



motor-cycle bearing registration No. BR-22-AA-2275.

The petitioners have been implicated based on their own confessional statement during the course of investigation after they were apprehended by the police on 09.02.2021. The petitioner no. 1 was found to be sitting as a pillion rider on the stolen motor-cycle of the informant, whereas the petitioner's counsel submits that petitioner no. 2 was a pillion rider of another motor-cycle. The submission is that even if the allegation is accepted at best they were pillion riders and cannot be held responsible for the alleged theft. Upon their arrest in the instant case, they have also been made accused in Bagaha Pathkhauri Case No. 227 of 2021.

Learned APP has opposed the prayer for bail.

Considering the fact that neither of the petitioners was driving the stolen motor-cycle and only one of them was a pillion rider on the same as well as the period of custody and the fact that investigation having been completed, this Court is inclined to allow the prayer. Prayer for bail of the petitioners are allowed. Let the petitioners above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 1st, Bagaha, West



Champaran in Bagaha Pathkhauri P.S. Case No. 235 of 2021,subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

SUMIT/-

U		T	
---	--	---	--

