

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38583 of 2022

Arising Out of PS. Case No.-236 Year-2022 Thana- MOTIHARI TOWN District- East
Champaran

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Baleshwar Kumar Son of Dilip Singh, R/O Village- Dharwa, P.S.- Lauriya,
District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prateek Tandon, Advocate
For the Opposite Party/s : Mr.Md. Shakir Ahmad, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 01-11-2022 Let the defect, if any, be removed within two weeks
from today.

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

The petitioner seeks regular bail in connection with
Motihari Town P.S. Case No. 236 of 2022 lodged under Sections
379 and 414/34 of the Indian Penal Code.

As per the prosecution case, the F.I.R. has been
lodged against two named accused persons including the
petitioner. The allegation of theft of motorcycle and recovery of
the same has been made in the F.I.R..

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He further

submits that offence under section 379 of I.P.C. is not made out in this case as from the order sheet of the Sessions Court it is clear that the report of D.T.O. does not support the theft. Learned counsel further submits that antecedent of the petitioner is clean and he is in custody since 03.04.2022 and charge sheet has already been filed in this case.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., East Champaran at Motihari in connection with Motihari Town P.S. Case No. 236 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall

file an affidavit before the court about his relationship with the petitioner.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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