

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38696 of 2022**

Arising Out of PS. Case No.-147 Year-2022 Thana- BETTIAH CITY District- West
Champaran

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SAHEB PRASAD S/o Chandrika Prasad @ Chandrika Mahto R/o village-
Ramnagar Bankar, Ward No. 3, P.S.- Manjhauliya, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binay Kumar

For the Opposite Party/s : Mr.Upendra Kumar

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 08-09-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

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

The petitioner seeks bail in connection with Bettiah
Nagar P.S. Case No. 147 of 2022 arising out of G.R. Case No.
793 of 2022 registered for the offences punishable under
Sections 379 and 414 of the Indian Penal Code.

As per prosecution case, motorcycle of the
informant was stolen by unknown person. Hence, FIR has been
registered against unknown.

Learned counsel for the petitioner submits that
petitioner is not named in the FIR and during course of



investigation at para 20 of the case diary petitioner made his confessional statement disclosing his involvement in the present case, as mentioned in the impugned order. He further submits that petitioner is in custody since 05.03.2022 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. No incriminating article has been recovered from the possession of the petitioner.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner is not named in the FIR, keeping in view clean antecedent of petitioner, charge-sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Bettiah in connection with Bettiah Nagar P.S. Case No. 147 of 2022 arising out of G.R. Case No. 793 of 2022, subject to following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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