

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40579 of 2022

Arising Out of PS. Case No.-1018 Year-2021 Thana- SITAMARHI District- Sitamarhi

Shrawan Kapar Son Of Ram Ayodhi Kapar @ Ram Awadh Kapar R/O
Village- Aurai, P.S.- Goushala, District- Mohtari (NEPAL)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms.Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 13-10-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The case is registered under sections 379, 411, 413,
414, 420, 467 and 468 of the Indian Penal Code, in connection
with Sitamarhi (Mehsaul O.P.) P.S. Case No. 1018 of 2021.

As per the prosecution story, the informant has
alleged that he parked his bullet motorcycle in his Portico but
the same got missing on the next morning. Accordingly, the
FIR was instituted. Subsequently, in course of vehicle checking,
the police found the petitioner riding the same motorcycle.
Accordingly, he was apprehended, motorcycle seized and he
was taken into custody and is in jail since 18.12.2021.



Learned counsel for the petitioner submits that under false belief that the motorcycle belonged to his friend, he was riding and came into police net despite the fact that he has clean antecedent.

Taking into account the period of custody, the charge-sheet stands submitted and he do not have any criminal antecedent, this Court is inclined to grant him the privilege of bail. However, if it is found that he do have criminal antecedent, this bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi, in connection with Sitamarhi (Mehsaal O.P.) P.S. Case No. 1018 of 2021 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;



(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Ravi/Ajay Singh

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