

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41630 of 2022

Arising Out of PS. Case No.-363 Year-2020 Thana- DUMRA District- Sitamarhi

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DILIP RAI @ GORKHA S/O LATE MADAN RAI Resident of village-
Chakka Tole Majholiya, P.S.- Dumra, District- Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Hans Lal Kumar

For the Opposite Party/s : Mrs.Asha Kumari

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 16-11-2022 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 Dumra
P.S. Case No. 363/2020 registered for the offences punishable
under Sections 379/411 of the Indian Penal Code.

As per prosecution case, the informant motorcycle
was recovered from the door of the present petitioner.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case. The petitioner is languishing in custody since 28.02.2021
and bears criminal antecedent of 03 cases in which he is on bail.
No incriminating article has been recovered from the conscious



possession of the petitioner. The said motorcycle has recovered in-front of the house of the petitioner. Occurrence took place on 28.10.2020 and FIR lodged on 12.11.2020 and there is delay of 14 days without any explanation. He further submits that the petitioner is neither seen at the place of occurrence nor any one has seen the petitioner took away the alleged motorcycle from the house of the informant. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

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, argument advanced on behalf of both sides, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence, as submitted and also taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi / concerned Court in connection with Dumra P.S. Case No. 363/2020, 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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