

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41272 of 2022**

Arising Out of PS. Case No.-255 Year-2022 Thana- MOTIHARI TOWN District- East
Champaran

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AMARJEET KUMAR S/O HARENDRA PATEL @ HARENDRA RAUT
Resident of village- Chailaha Mouze, P.S.- Banjariya, District- East
Champaran at Motihari.

... .. 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.Pawan Kumar Chaurasia

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

2 15-11-2022 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

Motihari Town P.S. Case No. 255 of 2022 arising out of G.R.

Case No-1814 of 2022 registered for the offences punishable

under Sections 379 and 411 of the I.P.C.

As per prosecution case, informant motorcycle was

taken away by a boy and on raising alarm boy was apprehended

on spot and disclosed his name as Naresh Kumar.

Learned counsel for the petitioner submits that

petitioner is not named in the FIR. His name has been transpired



in the case upon the confessional statement of co-accused, Naresh Kumar. Except confessional statement of co-accused there is nothing on record to demonstrate the complicity of petitioner with the alleged occurrence. Learned counsel for the petitioner further submits that petitioner is in custody since 09.04.2022 and bears no criminal antecedent. He further submits that nothing has been recovered from the conscious possession of the petitioner. Petitioner is not apprehended on spot.

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, argument advanced on behalf of both sides 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 Motihari in connection with Motihari Town P.S. Case No. 255 of 2022 and G.R. No . 1814 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)

vashudha/-

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