

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55196 of 2021

Arising Out of PS. Case No.-239 Year-2020 Thana- BRAHMPURA District- Muzaffarpur

SHIVAM KUMAR @ SHIVA KUMAR, S/o Raju Sahani R/o Muhalla- Chit
Bhagwatipur, Chandwara, P.S.- Town, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajiv Kumar

For the Opposite Party/s : Mr. Umesh Lal Verma

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 08-06-2022 Heard the learned counsel for the petitioner and
the State.

The present petition has been filed on behalf of the
petitioner, apprehending his arrest, in connection with
Brahmpura P. S. Case No. 239 of 2020, registered for the
offence punishable under Section 379 of the Indian Penal
Code.

As per allegation, one Bajaj Pulsor Motorcycle,
bearing Registration No. BR55B-1293, of the informant, was
stolen away, when it was parked in front of a house.

The learned counsel for the petitioner submits that
the petitioner has been named in the F.I.R. only on the basis
of suspicion and there is no eye-witness to the alleged



offence.

It is also stated in paragraph no. 2 of the petition that no similar petition has been earlier filed by the petitioner either before this Court or before Hon'ble Apex Court.

It has further been stated that the petitioner has no criminal antecedent.

However, the learned counsel for State has opposed the prayer for bail of the petitioner.

Considering the afore-stated facts and circumstances, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Chief Judicial Magistrate, Muzaffarpur in connection with Brahampura P. S. Case No. 239 of 2020, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court



below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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