

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54803 of 2021

Arising Out of PS. Case No.-129 Year-2020 Thana- MADHWAPUR District- Madhubani

Abhishek Kumar Son Of Late Kishore Paswan @ Lal Kishun Paswan
Resident Of Village- Pokhrauni, P.S. Saharghat, District- Madhubani

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratanakar Jha

For the Opposite Party/s : Mr.Gauri Shankar Gupta

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 31-03-2022 Let the defects, if any, be removed within four weeks
from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in connection
with Madhwapur P.S.Case No.129 of 2020 for the offences
punishable under Section 379 of the Indian Penal Code.

As per prosecution case, informant parked his
motorcycle at his Darwaja and in the morning, he found the
same was stolen by some unknown person.

Learned counsel for the petitioner submits that
occurrence took place on 02/03.11.2020 and the F.I.R has been
instituted against unknown on 07.11.2021. Petitioner has got
clean antecedent and he is in jail custody since 09.11.2020.



Further submits that similarly, situated one co-accused, whose name has also come in the investigation and stolen motorcycle was recovered from his possession has been granted bail by a co-ordinate Bench of this Court in Cr. Misc. No. 26519 of 2021 vide order dated 30.07.2021.

The learned A.P.P opposed the prayer for bail of the petitioner.

Having heard the rival contentions of the parties and taking into consideration the fact that petitioner is in custody since 09.11.2020 and F.I.R has been instituted against unknown, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st class, Benipatti, Madhubani in connection with Madhwapur P.S.Case No. 129 of 2020, on the following conditions;

“(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.



(ii) 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”

(Harish Kumar, J)

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