

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46040 of 2022

Arising Out of PS. Case No.-169 Year-2022 Thana- ADAPUR District- East Champaran

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AMPU KUMAR Son of Sri Birendra Ram Resident of Village- Biraith, P.S.-
Gopalpur, District - West Chmaparan.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma
For the Opposite Party/s : Mr.Shailendra Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 25-11-2022 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 Adapur
(Nakardei) P.S. Case No. 169 of 2022 registered for the offences
punishable under Sections 379, 413 and 414/34 of the Indian
Penal Code.

As per prosecution case, informant alongwith other
co-villager Dular Chand Yadav was returning from Barat
procession to his village on Apache motorcycle. While he was



waiting for co-barati near Batwari Mai Sthan Bhawanipur Market he took a nap on a chabutra. When he woke up he found that his motorcycle was missing. During the course of search he got information that eight miscreants riding on four motorcycles including his stolen motorcycle were coming to Adapur via Raxaul-Adapur canal road. They informed the police and reached Nakardei chowk where he saw two persons were riding on his stolen Apache motorcycle. There were six other miscreants riding on three motorcycles. When informant and others tried to stop miscreants they tried to flee away. They were chased by police and four miscreants including the petitioner were apprehended alongwith three motorcycles and four miscreants alongwith one motorcycle were succeeded in fleeing away.

Learned counsel for the petitioner submits that petitioner is in custody since 07.06.2022. Petitioner bears criminal antecedent of two cases in which he is on bail. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. The petitioner himself had gone to attend marriage party and on suspicion he was apprehended whereas real culprit managed to flee away, and when the informant came to know truth, he entered into



compromise with the petitioner so that he may not be further prosecuted for his no fault. Petitioner is quite innocent and has not committed any offence as alleged against him in FIR.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Raxaul, East Champaran at Motihari in connection with Adapur (Nakardei) P.S. Case No. 169 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)

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