

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46559 of 2022

Arising Out of PS. Case No.-340 Year-2019 Thana- BARAUNI District- Begusarai

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Saurav Kumar Son of Deepak Mahto Resident of Village- RAjwara, P.S.
Barauni (Garhara O.P.), District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Braj Bhushan Poddar

For the Opposite Party/s : Mr.Khurshid Anwar

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-11-2022 Abail, Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 379 of the
Indian Penal Code.

According to prosecution case, allegation against the
petitioner is that petitioner and his associate is for theft of
motorcycle of the informant.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that in fact the
petitioner was not named in the F.I.R. and the name of the

petitioner has been transpired on the basis of confessional statement of co-accused namely, Rahul Kumar. He further submits that except confessional statement of co-accused Rahul Kumar no cogent material has come during investigation against the petitioner. He further submits that nothing has been recovered from the conscious possession of the petitioner and petitioner has no concern at all with the stolen motorcycle.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender within a period of four weeks, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Barauni (Garhara O.P.) P.S. Case No. 340 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two

consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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