

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57866 of 2021**

Arising Out of PS. Case No.-214 Year-2021 Thana- KOTWALI District- Patna

Ajay Kumar @ Kallu Son of Shyam Babu Rai Resident of Mohalla-
Chakaram, P.S.- Budha Colony, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharendra Singh, Advocate.

For the Opposite Party/s : Mr. Ajay Kumar No. 2,APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 06-04-2022 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

The present application has been filed on behalf of the petitioner, above named, for grant of regular bail to the petitioner who has been made accused and put behind the bars in connection with Kotwali P. S. Case No. 214 of 2021 registered for the offences punishable under Sections 414, 420, 467, 468 and 34 of the Indian Penal Code.

As per the prosecution case, it is alleged that on 09.06.2021, while the informant along with other police personnel were engaged in vehicle checking, two persons including this petitioner was apprehended with a motorcycle. However on demand, no paper was produced and, later on, they confessed that this motorcycle was stolen by them from Kankarbagh area on 03.06.2021. It is also alleged that the original number of the said motorcycle has also been changed



and forged registration is being utilised.

It is submitted by the learned counsel for the petitioner that, in fact, the recovery has been made from the joint possession of the accused and the petitioner has no concern with the alleged theft motorcycle rather he has only taken lift on the said motorcycle. It is further submitted that the recovered motorcycle has also been handed over to the owner of the motorcycle and the investigation has been concluded and charge-sheet has already been submitted. It is next submitted that this petitioner is in custody since 10.06.2021 and though the petitioner has been made accused in one another case but in the said case he is on bail. It is next submitted that another co-accused person has been declared juvenile and he has been granted bail by the Juvenile Court.

On the other hand, learned APP for the State opposes the bail application of this petitioner and submitted that the stolen motorcycle has been recovered from the possession of this petitioner.

Taking into consideration the fact that the motorcycle has been recovered from the joint possession and this petitioner is in custody since 10.06.2021 and moreover charge-sheet has already been submitted, let the petitioner, above named, be



released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Patna in connection with Kotwali P. S. Case No. 214 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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