

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61699 of 2021

Arising Out of PS. Case No.-173 Year-2021 Thana- HARSIDHI District- East Champaran

GUDDU KUMAR Son of Chuman Ram Resident of Village- Chainpur Viriti
Tola, P.S.-Harsidhi, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Adv.

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 12-04-2022

Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under section 379 of the Indian Penal Code to which sections 411 and 414 of the Indian Penal Code were added subsequently.

As per the prosecution case, the motorcycle of the informant which was parked outside the temple was stolen.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. The allegation against the petitioner is that the stolen motorcycle was recovered from his possession. No incriminating article has been recovered from the petitioner's possession who is in custody since 26.8.2021 and has no criminal antecedent. Chargesheet has been submitted in the case.

Heard learned A.P.P. for the State.



Having heard learned counsel for the parties and taking into consideration the facts of the case, the petitioner having remained in custody for more than 7 months and not having any criminal antecedent, the Court directs the petitioner to be enlarged on bail in connection with Harsidhi P.S. Case no.173 of 2021 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran.

It is directed that the learned trial court will obtain a report from the police authorities with respect to antecedent of the petitioner and in case it transpires that the petitioner has any criminal antecedent, the learned trial court will proceed to cancel the bail bond of the petitioner and take him into custody.

It is further made clear that the release of the petitioner pursuant to the grant of bail by this order shall not be delayed on account of the time taken in receipt of the report from the police authorities with respect to the petitioner's antecedent, instead the petitioner shall be released forthwith.

(Partha Sarthy, J)

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