

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53439 of 2022

Arising Out of PS. Case No.-11 Year-2022 Thana- CHAUSA District- Madhepura

=====

Mritunjay Kumar @ Mithun Kumar @ Mithun S/O Udayanand Singh
Resident of Mitola, Naugachhia, P.S.- Naugachhia, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 23-12-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Sharda Nand Mishra, learned counsel appearing on behalf of the petitioner and learned APP for the State through video conferencing.

The petitioner seeks regular bail, who is in custody in connection with Chausa P.S. Case No. 11 of 2022 registered for the offences punishable under Section 379 of the Indian Penal Code.

The prosecution case is based on a written report filed by the informant alleging therein, that on 11.12.2021 some unknown thieves stolen the motorcycle of the informant, which was kept on the *darwaja* of the informant. The informant tried



his best to search his motorcycle, but could not find the same.

Learned counsel appearing on behalf of the petitioner submits that admittedly the FIR has been instituted against unknown persons, however, during the course of investigation, when the petitioner along with one another co-accused person was apprehended in connection with Parwatta P.S. Case No. 08 of 2022, the self confession of the petitioner was recorded and on the basis of the said confession, the name of the petitioner has been implicated in this case. He further submits that though the alleged occurrence took place on 11.12.2021, but the FIR has been instituted on 18.01.2022, after a delay of one month and seven days, but no plausible explanation has been given. He next submits that the offence is triable by Magistrate and, moreover, the petitioner has been remanded in this case on 21.02.2022 from the Parbatta P.S. Case No. 08 of 2022 and since then the petitioner is in custody, though the investigation of the crime is already complete and charge-sheet has been submitted.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner is found involve in seven other criminal cases.

Having regard to the submissions made on behalf of



the parties and considering the fact that the petitioner was neither named in the FIR nor any incriminating material has been recovered, suggesting the complicity of the petitioner in the present crime and save and except the self confession of the petitioner, that too in the case of Parbatta P.S. Case No. 08 of 2022, there is no other material and, moreover, mere criminal antecedent of a person cannot be a sole ground to keep him behind the bar for an indefinite period, let the petitioner, named above, 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 Sub Divisional Judicial Magistrate, Udakishanganj, Madhepura in connection with Chausa P.S. Case No. 11 of 2022, subject to the condition that one of the bailors will be the close relatives 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.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

shivank/-

U		T	
---	--	---	--

