

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53495 of 2022

Arising Out of PS. Case No.-5 Year-2022 Thana- AURANGABAD TOWN District-
Aurangabad

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Narendra Kumar Sinha @ Badka @ Narendra Kumar Singha Son Of
Rajkumar Prasad Sinha R/O Village - Mangar Bigha, P.S.- Salaiya, District -
Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh, Advocate

For the Opposite Party/s : Mr.Asha Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 23-12-2022 Let the defects, if any, be removed within four weeks
from today.

Heard Mr. Ashok Kumar Singh, learned counsel for
the petitioner and learned Additional Public Prosecutor for the
State through video conferencing.

Petitioner seeks bail in a case registered in connection
with Aurangabad (Town) P.S Case No. 05 of 2022 for the
offences punishable under Sections 379, 411/34 of the Indian
Penal Code.

The prosecution case is based on a written report
filed by the informant alleging therein that on 03.01.2022, the
informant having taken his friend's Royal Enfield Motorcycle
came to Aurangabad from Varanasi and on 05.01.2022, while



the motorcycle was parked in front of his door, he found in the morning that the motorcycle was stolen by some unknown thief.

Learned counsel appearing on behalf of the petitioner submits that the FIR has been instituted against unknown persons however, during the course of investigation, the said motorcycle was recovered from possession of three persons including the petitioner as is evident from the seizure list. He further submits that similarly, situated co-accused Mukesh Kumar Singh, from whose possession also the motorcycle was recovered, has been allowed the privilege of bail by the learned co-ordinate Bench of this Court in Cr. Misc. No. 29285 of 2022 vide order dated 14.09.2022. He next submits that all the offences are triable by the Magistrate and moreover, the petitioner is in custody since 08.01.2022 and the investigation of the crime is already complete.

On the other hand, learned counsel for the State vehemently opposed the bail application and submits that petitioner is found involved in two identical crime.

Regard being had to the submissions made on behalf of the parties and considering the fact that another co-accused person having similar allegation, has been allowed bail by the learned co-ordinate Bench of this Court and he is in



custody since 08.01.2022, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Aurangabad (Town) P.S Case no. 5 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 step for cancelling 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.

N.K/-

(Harish Kumar, J)

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