

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63954 of 2021

Arising Out of PS. Case No.-149 Year-2021 Thana- BHAWANIPUR District- Purnia

NITISH KUMAR SAH @ NITISH KUMAR Son of Madan Sah @ Medan Sah Resident of Majaharpatti, Police Station - Udakishunganj, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Tarun Prasad Mandal,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-04-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State in virtual Court proceeding.

Petitioner seeks bail in a case registered for the offences punishable under Sections 379,413,414 of the Indian Penal Code.

Allegation against the petitioner is that he was arrested alongwith another stolen motorcycles by the informant, whose son was sent to jail due to purchase of a stolen bike earlier from this petitioner.

Learned counsel appearing for the petitioner submits



that the petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that it appears from the FIR that the petitioner was apprehended only on the basis of suspicion. He further submits that nothing has been recovered from conscious possession of the petitioner. He further submits that it appears from the FIR that as per allegation in the FIR the petitioner has sold the theft motorcycle to the son of the informant for which he had forwarded to jail custody as per the case diary in fact earlier in this case no complaint or FIR has been instituted against the petitioner. Learned counsel for the petitioner submits that the petitioner never sold any motorcycle or theft motorcycle either to the informant or his son and the petitioner is in custody since 18.08.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Bhawanipur Police Station Case No.149 of 2021, with 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/her absence on two consecutive dates without sufficient reason, his/her 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.

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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