

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 54891 of 2022

Arising Out of PS. Case No.-478 Year-2022 Thana- KANTI District- Muzaffarpur

Ritik Kumar Son of Anil Kumar Gupta @ Anil Sah Resident of Village -
Rahshi, P.s.- Bochahan, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur, Advocate
For the Opposite Party/s : Mr. Mohammed Arif, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 16-12-2022 The matter is heard through video conferencing.

Heard Mr. Hari Kishore Thakur, learned counsel
appearing on behalf of the petitioner and Mr. Mohammed Arif,
learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Kanti P.S. Case No. 478 of 2022, for the offence punishable
under Sections 401, 379 and 414 of the Indian Penal Code.

The prosecution case, in brief, is that informant has
lodged an F.I.R for theft of his motorcycle bearing registration
no. BR06AS0870, Chassis no. MBLHA10BLFGD02004, and
engine no. HA10ETFGD05038 and the same has been found
from the possession of the petitioner.

Learned counsel appearing on behalf of the petitioner
submitted that the petitioner has not stolen the motorcycle of the
informant rather he had purchased the same motorcycle.



However he could not furnish any valid paper regarding transfer of the said motorcycle on his own name. Petitioner runs a garage and it was a coincidence that it was found in his garage. The petitioner has clean antecedent and he is in custody since 15.07.2022.

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

Considering the fact that the petitioner is running motorcycle repairing garage and one co-accused named in the F.I.R. had sold the said motorcycle to him. The petitioner has remained in custody since 15.07.2022 and has made a specific statement in paragraph no.-3 of the bail petition that he has absolutely clean antecedent and the trial is also not likely to be concluded in near future hence the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. 1st Class, Muzaffarpur, West in connection with Kanti P.S. Case No. 478 of 2022, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.



(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(5) The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will automatically loose its force.

(Purnendu Singh, J)

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