

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68566 of 2021**

Arising Out of PS. Case No.-306 Year-2021 Thana- MASHRAK District- Saran

NIRAJ KUMAR Son of Mohan Raut Resident of Village - Bikarampur, P.S.-
Marhowrah, District - Saran (Chapra).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

2 13-05-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner, who is in custody since 09.06.2021, seeks
regular bail in connection with Mashrakh P.S. Case No. 306 of
2021 dated 08.06.2021 registered for offences punishable under
Sections 413 and 414/34 of the Indian Penal Code.

Prosecution story in brief is that the present petitioner
and one co-accused Dipu Kumar were apprehended along with
the stolen motorcycle bearing Registration No. BR01CM-1491.

Learned counsel appearing on behalf of the petitioner
submits that the co-accused Dipu Kumar, who was also



apprehended along with the petitioner has already been released on bail by a co-ordinate Bench of this Court vide order dated 24.11.2021 passed in Criminal Miscellaneous No. 49184 of 2021. The petitioner has been implicated in the present case due to enmity with the owner of the motorcycle. Petitioner and the owner of the motorcycle are of the same locality and known to each other. Petitioner is in custody since 09.06.2021.

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

Considering the facts and circumstances of the case, the motorcycle has already been recovered and the other co-accused Dipu Kumar, who was also apprehended along with the petitioner has already been released on bail, the petitioner, above named, is directed to be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Chapra, District- Saran in connection with Mashrakh P.S. Case No. 306 of 2021 dated 08.06.2021 subject to the following conditions:

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



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

(iii) 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.

(iv) 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 bond.

(Purnendu Singh, J)

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