

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68076 of 2021

Arising Out of PS. Case No.-405 Year-2021 Thana- BAGHA District- West Champaran

NIRAJ SHARMA S/o Gogad Sharma R/O VILLAGE BHAGWAN SINGH
KA BARWA P.S. BHAIROGANJ DISTRICT WEST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey

For the Opposite Party/s : Mr.Ajit Kumar

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 16-05-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

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

The petitioner seeks regular bail in connection with Bagaha (Bhairoganj) P.S. Case No. 405 of 2021 for the offence punishable under Sections 413 and 414/34 of the Indian Penal Code.

The prosecution story, in brief, is that on secret information received by the Sub-Inspector of Police, a raid was conducted and in course of said raid, a stolen motorcycle bearing registration no. BR22AA055 was recovered from the house of one co-accused Niraj Sharma (petitioner) and another



stolen motorcycle bearing registration no. BR22AH5479 was recovered from the house of the co-accused Brijesh Kamkar.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he was not having any information that the motorcycle which he has purchased was a stolen motorcycle. Simply because he was not able to produce legal document in this regard, he was taken into custody after conducting an illegal raid in the premises of the petitioner. Petitioner is in custody since 03.08.2021 and he has clean antecedent. Similarly situated co-accused namely Brijesh Kamkar has already been granted bail vide order dated 05.05.2022 passed in Cr. Misc. No. 62906 of 2021 by this Court.

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

Taking into consideration the nature of allegation made in the F.I.R. as well as period of custody, without going into the merits of the case, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Bagaha, West Champaran in



connection with Bhairoganj P.S. Case No. 405 of 2021, 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 Para-3 of the bail petition, this order will automatically loose its force.

(Purnendu Singh, J)

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