

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70249 of 2021

Arising Out of PS. Case No.-19 Year-2021 Thana- BIRUPUR District- Lakhisarai

CHHOTU KUMAR S/o Santaj Ram Resident of Village- Tahadiya, P.S.-
Barahia, District- Lakhisarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gopal Krishna

For the Opposite Party/s : Mr.Pronoti Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-06-2022 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Birapur P.S. Case No. 19 of 2021, registered for the offence punishable under Section 392 of the Indian Penal Code.

The allegation is regarding unknown miscreants having snatched the motorcycle etc. from the informant. It is alleged that upon disclosure made by the petitioner, one co-accused person was arrested and the stolen motorcycle was recovered from him.

The learned counsel for the petitioner has



submitted that the petitioner is innocent and he has been falsely implicated in the present case. The learned counsel for the petitioner has further submitted that the petitioner is an accused in two other cases, but he is on bail in the said two cases. It is further submitted that the petitioner is languishing in custody since 12.6.2021. Lastly, it is submitted that the stolen articles / motorcycle in question have not been recovered from the conscious possession of the petitioner.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the period of incarceration of the petitioner herein and the fact that the stolen articles / motorcycle in question have not been recovered from the conscious possession of the petitioner, but from



the co-accused person, though I deem it fit and proper to admit the petitioner to the privilege of bail but subject to certain conditions.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Lakhisarai in connection with Birapur P.S. Case No. 19 of 2021.

It is further directed that the petitioner would mark his attendance before the Officer-in-Charge of the concerned police station on each Monday of the week at 10:30 am. and in the event of two consecutive defaults, the present privilege of regular bail, being granted to the petitioner herein, shall stand cancelled automatically.

(Mohit Kumar Shah, J)

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