

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.199 of 2022

Arising Out of PS. Case No.-53 Year-2021 Thana- TISIAUTA District- Vaishali

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Ramadhar Kumar S/o Harendra Rai @ Harindra Ray R/o village- Laxmi
Narayanpur, P.S.- Tisiauta, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate

For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 02-08-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Tisiauta
P.S. Case No. 53 of 2021 registered for the offence under
Section 379 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 12.08.2021.

The allegation against the petitioner is to commit



theft, and while doing so, taken away one Apache motorcycle of the informant, parked outside his house.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner is not named in the F.I.R. and has been remanded in this case from Mahua P.S. Case No. 310 of 2021. It is pointed out that petitioner is involved in five more cases, where almost in all the cases, name of the petitioner surfaced subsequent to the present case. It is further submitted that petitioner has never been put on T.I.P. and also no incriminating material surfaced/recovered during the course of investigation, which may connect the petitioner with the present set of occurrence. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that petitioner is not named in the F.I.R.

Considering the facts and circumstances as mentioned above, as nothing incriminating surfaced/recovered during the course of investigation, which may connect the petitioner, *prima facie*, with the present set of occurrence in furtherance of the



said self confession coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Tisiauta P.S. Case No. 53 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Vaishali at Hajipur/concerned Court, subject to the following conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.



(iii) That one of the bailors shall be
Harendra Rai @ Harindra Ray, who is the
father of the petitioner and deponent of the
present bail petition.”

(Chandra Shekhar Jha, J)

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