

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6453 of 2023

Arising Out of PS. Case No.-208 Year-2022 Thana- BHAWANIPUR District- Purnia

JYOTISH KUMAR SON OF RAM LAL MANDAL R/O VILLAGE-
CHHOTAY TOLA DHOBHA WARD NO.02, P.S.- RUPAULI, DISTRICT-
PURNIA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Adv.

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
29.11.2022 in connection with Bhawanipur (Akbarpur) P.S.
Case No.208/2022, F.I.R. dated 21.08.2022, for the offence
punishable under Section 392 of the Indian Penal Code.

According to prosecution case, four unknown
miscreants intercepted the informant and one Kanchan Kumar
while they were going with his Pulsar motorcycle and looted
away the motorcycle and cash of Rs. 5000/- and one mobile
phone.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been



implicated in the present case. He further submits that as per allegation in the F.I.R. the petitioner was caught red handed with the stolen motorcycle. He further submits that in fact the petitioner has purchased the motorcycle in question from other person and till date no T.I.P. has been conducted by the prosecution. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 29.11.2022.

The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Purnia in connection with Bhawanipur (Akbarpur O.P.) P.S. Case No. 208/2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.



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

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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