

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11146 of 2023

Arising Out of PS. Case No.-320 Year-2022 Thana- HARSIDHI District- East Champaran

Suraj Kumar S/o Sakal Sahani R/o Village- Savalpur, P.S.- Sangrampur, Distt-
East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yashraj Bardhan, Advocate

For the Opposite Party/s : Mr. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
19.11.2022 in connection with Harshidhi P.S. Case No. 320 of
2022, F.I.R. dated 08.07.2022 for the offences punishable under
Section 379 of the Indian Penal Code.

According to prosecution case, one Shabir Alam
submitted written report on 08.07.2022 alleging therein that on
29.06.2022 about 11:00 A.M. he went to his farm land on the
motorcycle of his younger brother namely Anwar Ali. He further
stated that he parked his motorcycle near his land on the road
and went for irrigation of his land. He further alleged that when
he came back from his land, he found that his motorcycle was
missing from the place where he had parked.



Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case on the basis of confessional statement, co-accused person namely Khushi Choudhary and the said Khushi Choudhary has been granted bail by a co-ordinate Bench of this Court vide order dated 03.05.2023 passed in Cr. Misc. No. 8037 of 2023. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 19.11.2022.

The learned Additional Public Prosecutor for the State 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 Chief Judicial Magistrate, Motihari, East Champaran, in connection with Harshidhi P.S. Case No. 320 of 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 canceled 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)

Aditi/Vikas

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