

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11237 of 2023

Arising Out of PS. Case No.-140 Year-2022 Thana- SIMRI District- Darbhanga

MANISH KUMAR SHARMA Son of Late Shambhu Sharma R/V- Ekmi
Ghat, P.S- Bahadurpur, Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Syed Masleh Uddin Ashraf, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 10-05-2023 Heard Mr. Syed Masleh Uddin Ashraf, learned
counsel for the petitioner and learned APP for the State.

The petitioner is an accused in connection with Simri
P.S. Case No. 140 of 2022 registered for the offences under
section 379 of the Indian Penal Code lodged on 28.07.2022 by
the informant, Sonu Kumar Yadav.

As per the prosecution story, it is alleged that the
informant after parking his motorcycle bearing Registration No.
BR-07-AK-1504 in front of his door went to sleep. Later on,
someone committed theft of the said motorcycle. Accordingly,
the FIR.

It has been contended by the learned counsel for the
petitioner that although his name has come in the confessional
statement, nothing incriminating has been recovered from his



possession. Further, one of the co-accused has since been released on bail vide order dated 28.04.2023 passed in Cr. Misc. No. 15392 of 2023.

Let the same be kept on record.

Learned APP for the State, on the other hand, opposes the prayer for bail.

Considering the fact that his name has come in the confessional statement, though nothing has been recovered from his conscious possession, similarly situated co-accused has been released on bail and he is in custody since 01.11.2022 (as stated in paragraph-7 of the bail application), this Court is inclined to extend him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of the learned Chief Judicial Magistrate, Darbhanga in connection with Simri P.S. Case No. 140 of 2022, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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