

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21304 of 2023

Arising Out of PS. Case No.-344 Year-2022 Thana- KATORIYA District- Banka

Lalu Kumar @ Lalu Kapri Son Of Kedar Kapri R/v- Lakrikola, P.S.- Banka,
District- Banka

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since 29.11.2022 in connection with Katoria P.S. Case No. 344 of 2022, F.I.R. dated 04.09.2022 for the offences punishable under Section 379 of the Indian Penal Code.

3. According to prosecution case, on 28.06.2022 the informant has parked his Splendor Pro motorcycle in front of the Bank of India, Katoria Branch and went in the said bank to withdraw money, but, in the meantime, some unknown persons committed theft of the aforesaid motorcycle of the informant.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that bare perusal of the F.I.R. it



appears that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of confessional statement of co-accused namely, Shailesh Singh. He further submits that in fact the recovery has been made from the possession of petitioner but the petitioner has purchased the same from the co-accused namely, Shailesh Singh. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 29.11.2022.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one, in which he is on bail.

6. 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, Banka/Successor Court, Banka in connection with Katoria P.S. Case No. 344 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 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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