

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 16159 of 2023

Arising Out of PS. Case No.-209 Year-2022 Thana- BANKA District- Banka

Barju Kumar @ Birju Kumar Son of Dilip Paswan Resident of village -
Channo, P.S.- Rasalpur Ekchari, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Adv.

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 10-05-2023 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Banka P.S. Case No. 209 of 2022 dated 04.04.2022 lodged
under Sections 379, 411, 468, 467 & 34 of the I.P.C.

As per the prosecution case, the present case has been
filed against the unknown accused persons relating to theft of a
motorcycle which has been recovered from the possession of the
petitioner.

Learned counsel for the petitioner submits that there is
one criminal case pending against the petitioner which is of
excise matter in which he is on bail. Counsel submits that

petitioner in custody since 18.08.2022. He also submits that the case in which matter is pending, is magisterial triable in nature.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Banka P.S. Case No. 209 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal

activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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