

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21496 of 2023

Arising Out of PS. Case No.-25 Year-2022 Thana- MAIGRA District- Gaya

Chandan Kumar S/O Rajendra Mahto R/O Village- Barwadih, P.S- Bhadwar,
Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Javed Jafar Khan, Advocate

For the Opposite Party/s : Mr. Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 18-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

02. Let the defect (s), if any, as pointed out by the
office be removed within a period of four weeks.

03. In the present case, the petitioner seeks bail in
connection with Maigra P.S. Case No. 25 of 2022 registered on
10.60.2022 for the alleged offences under Section 379 of the
Indian Penal Code.

04. As per prosecution case, motorcycle of the
informant was stolen in the night by unknown thief. The name
of the petitioner surfaced during investigation for his
involvement in the theft.

05. Learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this



case. The name of petitioner transpired in this case on the basis of confessional statement of co-accused Rajesh Prajapati. The alleged motorcycle was recovered from the possession of co-accused. Nothing incriminating has been recovered from the possession of this petitioner. The petitioner has been dragged in this case merely because of his involvement in other criminal cases. The petitioner has no concern with the co-accused or stolen motorcycle. The petitioner is in custody since 22.12.2022 and charge-sheet has been submitted. The petitioner has got no criminal history.

06. Learned APP for the State opposes the prayer for bail submitting that the petitioner is having criminal antecedent and four criminal cases are pending against him.

07. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no recovery has been shown from this petitioner and further considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class/concerned court, Sherghati, District-Gaya in connection



with Maigra P.S. Case No. 25 of 2022 subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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