

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26290 of 2023

Arising Out of PS. Case No.-74 Year-2023 Thana- PAHARPUR District- East Champaran

1. Indrajeet Kumar Son of Rajendra Patel @ Rajendra Raut R/V- Khoriya Patti, PS- Paharpur, Dist- East Champaran
2. Mantosh Kumar son of Ramji Thakur R/V- Khoriya Patti, PS- Paharpur, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
Ms. Rashmi Jha, Advocate
For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioners is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioners seek bail who are in custody since
24.02.2023 in connection with Paharpur(Malahi) P.S. Case No.
74 of 2023, F.I.R. dated 24.02.2023 for the offences punishable
under Sections 379, 411, 467, 478/34 of the Indian Penal Code.

According to prosecution case, some unknown persons
have stolen the motorcycle of the informant but somehow they
were apprehended and disclosed their name as Indrajeet Kumar
and Mantosh Kumar (petitioners) and they also disclosed that



they have purchased the said motorcycle from one Dinesh Malik.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that as per the allegation alleged in the F.I.R. the petitioners are apprehended with the stolen motorcycle. He further submits that the said motorcycle belong to one Dinesh Malik and an agreement was made between petitioner, namely, Indrajeet Kumar and Dinesh Malik that at the time of entering into agreement the petitioner, namely, Indrajeet Kumar has given Rs. 5,000/- in advance and it has come during investigation that the statement of Dinesh Malik was recorded and he informs that he has entered into an agreement with the petitioner, namely, Indrajeet Kumar for selling of the motorcycle in question. He further submits that the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 24.02.2023.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties



of the like amount each to the satisfaction of the learned 11th Additional Chief Judicial Magistrate, Motihari, East Champaran in connection with Paharpur(Malahi) P.S. Case No. 74 of 2023, subject to the following conditions:-

1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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