

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30609 of 2023

Arising Out of PS. Case No.-441 Year-2021 Thana- KESARIA District- East Champaran

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BINDU KUMAR SON OF HARINANDAN RAY @ HARINAN RAY
RESIDENT OF VILLAGE SUNDRAPUR SATARGHAT PS KESARIYA
DISTT EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar, Advocate

For the Opposite Party/s : Mr.Murli Dhar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 22-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in judicial custody in connection with Sessions Trial No. 147 of 2023 arising out of Kesariya P.S. Case No. 441 of 2021 registered under Sections 411, 413, 414, 420, 467, 468 and 34 of the Indian Penal Code lodged on 05.12.2021 by the informant, Kalim Khan.

As per the prosecution story, the allegation is that in course of investigation, the apprehended accused Munchun Kumar disclosed the name of Subodh Kumar and Bindu Kumar (the petitioner herein) who used to steal motorcycle and sold the same. At his instance, four motorcycles were recovered. Accordingly, the FIR.



Learned counsel for the petitioner submits that his name has come in the confessional statement of Munchun Kumar, do not have criminal antecedent and is in custody since 21.01.2023 (as stated in paragraph-12 of the petition). Last submission is that accused, Subodh Kumar has since been granted bail vide order dated 17.05.2023 passed in Cr. Mis. No. 19564 of 2023 and Munchun Kumar too was granted bail by the learned Subordinate Court itself.

Learned APP for the State opposes the prayer for bail stating that his name came in the confessional statement of Munchun Kumar.

Considering the aforesaid facts, the period of custody, he do not have criminal antecedent and similarly situate accuseds have since been granted bail, as stated above, this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, East Champaran at Motihari in connection with Sessions Trial No. 147 of 2013 arising out of Kesariya P.S. Case No. 441 of 2021, 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/her *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/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark 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.

(Rajiv Roy, J)

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