

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29211 of 2023

Arising Out of PS. Case No.-39 Year-2023 Thana- SOHSARAI District- Nalanda

Chintu Kumar S/O Rajesh Yadav R/O Village- Katauna, P.S- Katrisarai,
Distt.- Nalanda, At Present R/O Village- Sipah, P.S- Deepnagar, Distt.-
Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 01-08-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. Let the defect(s), if any, be removed within a
period of four weeks from today.

3. The petitioner seeks bail in connection with
Sohsarai P.S. Case No. 39 of 2023 registered for the offence
under Section 379 of the Indian Penal Code.

4. The accused/petitioner is not named in the F.I.R.
and is in custody since 10.02.2023.

5. The allegation against the petitioner is to have in
possession of stolen motorcycle.

6. Learned counsel appearing on behalf of the
petitioner submitted that police personnel out of local reasons



implicated this petitioner falsely with present case, while he was coming from the village of his *Nanihal*. It is submitted that seizure list also appears doubtful, which is not supported by independent witnesses, rather by police personnels. While concluding the argument, it has been submitted that petitioner found involved in three more criminal cases, where he has already acquitted in one case and in remaining two cases, he is on bail and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above, as seizure list appears doubtful being not supported by independent witnesses coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 10.02.2023, accordingly, above named petitioner is directed to be released on bail in connection with Sohsarai P.S. Case No. 39 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class Nalanda at Bihar Sharif/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.,



with further conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the trial Court till conclusion of the trial and exemption from physical appearance be allowed by the trial Court, only on medical ground of the petitioner, duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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