

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29752 of 2023

Arising Out of PS. Case No.-541 Year-2022 Thana- SHEKHPURA District- Sheikhpura

SUBHASH KUMAR SON OF PARAS MAHTO Resident of Mohalla
Khandpar, P.S and District- Sheikhpura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar

For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Sheikhpura P.S. Case No. 541/2022 registered for the offences
punishable under Sections 379 & 414 of the Indian Penal Code.

As per prosecution case, petitioner apprehended on
the spot with stolen motorcycle and he disclosed the name of
other accused persons and stolen motorcycles have also been
recovered from all of them.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case. The petitioner is languishing in custody since 10.09.2022
and bears criminal antecedent five cases. Charge sheet has been
submitted in this case and there is no likelihood of tampering



with the prosecution evidence. Co-accused namely Mithilesh Kumar, Biru Kumar, Arun Patel and Mahesh Kumar on similar allegation have already been granted bail by different co-ordinate Benches of this Court vide Cr. Misc. No.63311/2022, Cr. Misc. No.71455/2022, Cr. Misc. No.70426/2022 and Cr. Misc. No.65187/2022 respectively and the case of present petitioner stands on similar footing.

The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner and submits that petitioner has five criminal antecedents.

Considering the facts and circumstances of the case, period of custody, co-accused persons have already been granted bail, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and argument advanced on behalf of both parties and also taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Sheikhpura in connection with Sheikhpura P.S. Case No. 541/2022, subject to following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(Alok Kumar Pandey, J)

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