

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29338 of 2023

Arising Out of PS. Case No.-517 Year-2022 Thana- SHEKHPURA District- Sheikhpura

SUBHASH KUMAR Son of Paras Mahto Resident of Mohalla - Khandpar,
P.S. and Distt. - Sheikhpura

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 24-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since 20.10.2022 in connection with Sheikhpura P.S. Case No. 517 of 2022, F.I.R. dated 02.09.2022 for the offences punishable under Section 379 of the Indian Penal Code but the cognizance has been taken under Section 379 and 411 of the I.P.C.

3. According to prosecution case, as per written report of the informant, in brief is that informant Subodh Kumar was living with his family at Rajopuram Colony in a rented house of Ram Sewak Pandey and he parked his motorcycle in front of his house which is registered in the name of his brother Binod Kumar. On 01.09.2022 in the morning informant's motorcycle was stolen. He searched the vehicle but no whereabouts of the



vehicle could be traced.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case due to previous criminal antecedent of the petitioner. He further submits that bare perusal of F.I.R. as well as seizure list that one theft motorcycle has been recovered from the possession of the petitioner. He further submits that similarly situated, co-accused, namely, Arun Patel has been granted bail by a co-ordinate Bench of this Court vide order dated 12.04.2023 passed in Cr. Misc. No. 7180 of 2023. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 20.10.2022.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries five criminal antecedents other than the present one but fairly submits that out of four cases petitioner is on bail in four cases.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief



Judicial Magistrate, Sheikhpura in connection with Sheikhpura
P.S. Case No. 517 of 2022, subject to the following conditions:-

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

2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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)

mdrashid/-

U		T	
---	--	---	--

