

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30613 of 2023

Arising Out of PS. Case No.-643 Year-2022 Thana- BAKHTIYARPUR District- Patna

Kamlesh Kumar S/O Vilash Singh Resident of Village- Mosimpur, P.S.
Khusrupur, District- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Arun Sharma, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 14-06-2023 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks regular bail in connection with
Bakhtiarpur P.S. Case No. 643 of 2022 registered for the offence
punishable under Section 414 of the Indian Penal Code.

As per prosecution case, the allegation against the
petitioner is the recovery of one stolen motorcycle from the
possession of the petitioner.

Learned counsel for the petitioner submits that the alleged
motorcycle was not recovered from the petitioner and he was arrested
on the basis of suspicion as he was spending time near the
motorcycle which was parked. He is in jail custody since 23.12.2022.
He has no criminal antecedent. He further submits that similarly
situated co-accused, namely, Shilok Kumar has been granted bail
vide order dated 24.05.2023 by co-ordinate Bench of this Court in Cr.
Misc. No. 26843 of 2023. Charge-sheet has already been filed and
there is no chance of absconding of the petitioner or tampering with



the evidence.

Learned APP appearing for the State has opposed the prayer for regular bail of the petitioner.

Considering the aforesaid facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. III, Barh, in connection with Bakhtiarpur P.S. Case No. 643 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.
2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.
3. 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.

(Sunil Dutta Mishra, J)

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