

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32968 of 2023

Arising Out of PS. Case No.-65 Year-2022 Thana- RATANPUR District- Supaul

SUDHIR KUMAR @ SUDHIR KUMAR MEHTA Son of Ram Kumar Mehta
Resident of Village - Narpatpatti, P.S.- Ratanpura, District - Supaul.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bal Krishna Mishra

For the Opposite Party/s : Mr.Sanjay Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Ratanpura P.S. Case No. 65 of 2022 registered for the offences
punishable under Sections 379 of Indian Penal Code.

As per prosecution case, informant's motorcycle,
which was kept in the courtyard of his house, was stolen by
unknown persons.

Learned counsel for the petitioner submits that
petitioner is in custody since 25.01.2023. Petitioner bears two
criminal antecedent. Charge sheet has already been submitted in
the case and there is no likelihood of tampering with the
prosecution evidence. Learned counsel further submits that the
petitioner is not named in the F.I.R. Recovery of motorcycle was



made from the house of petitioner but the same was not identified at the time and seizure list was prepared at the place of occurrence. Name of present petitioner has been transpired on the basis of recovery of motorcycle from his house . Nothing has been recovered from the conscious possession of the petitioner. Petitioner is quite innocent and has committed no offence as alleged in the F.I.R. There is no compliance of Section 100 of the Cr.P.C.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of the parties and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Birpur in connection with Ratanpura P.S. Case No. 65 of 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.

(Alok Kumar Pandey, J)

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