

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.32991 of 2023**

Arising Out of PS. Case No.-66 Year-2019 Thana- MAHINDWARA District- Sitamarhi

NANDLAL RAY @ NAND LAL RAI Son of Ajodhi Ray Resident of village  
- Bakarpur, P.S. - Mahindwara, Distt. - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Amit Anand

For the Opposite Party/s : Mr.Satya Nand Shukla

**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 Mahindwara P.S. Case No. 66 of 2019 registered for the offences punishable under Sections 414 of the Chief Judicial Magistrate, Sitamarhi.

As per prosecution case, there is alleged recovery of two stolen motorcycle from the husk house of the petitioner. After seeing the police party, petitioner fled away from the place of occurrence.

Learned counsel for the petitioner submits that petitioner is in custody since 10.03.2023. Petitioner bears no criminal antecedent. Learned counsel for the petitioner specifically submits that 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 petitioner is innocent and has committed no offence as alleged in the F.I.R. Petitioner is not apprehended on spot. Nothing has been recovered from the conscious possession of the petitioner. There is no compliance of Section 100 of the Cr.P.C. Recovery has been made from husk house of the petitioner which is joint property of the petitioner and his family members. The alleged husk house from where recovery has been made is an open place which is accessible to all and. The petitioner has no concern with the recovered motorcycle.

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, petitioner is not apprehended on spot, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence as submitted, keeping in view clean antecedent of the petitioner, 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 Chief Judicial Magistrate, Sitamarhi in connection with Mahindwara P.S. Case No. 66 of 2019, 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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