

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32982 of 2023

Arising Out of PS. Case No.-1194 Year-2022 Thana- MADHEPURA District- Madhepura

ABHINANDAN KUMAR S/O BILO PRASAD YADAV @ BITTO YADAV
R/O Village- Belha, Ward No.-3, P.S- Sour Bazar, Distt.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad

For the Opposite Party/s : Mr.Raj Ballabh Singh

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
Madhepura P.S. Case No. 1194 of 2022 registered for the
offences punishable under Sections 379, 411, 413, 414, 34 of the
Indian Penal Code.

As per prosecution case, on disclosure of petitioner
and others three stolen motorcycle have been recovered from
the bamboo clamp.

Learned counsel for the petitioner submits that
petitioner is in custody since 17.12.2022. Petitioner bears no
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 innocent and has committed no offence as alleged in the F.I.R. Nothing has been recovered from the conscious possession or from the house of the petitioner. Petitioner has no concern with any of the co-accused persons. Petitioner was not involved in theft of motorcycle. Learned counsel further submits that the police has arrested the petitioner merely on suspicion.

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, keeping in view clean antecedent of the petitioner 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 C.J.M., Madhepura in connection with Madhepura P.S. Case No. 1194 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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