

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34479 of 2023

Arising Out of PS. Case No.-42 Year-2017 Thana- CHAUSA District- Madhepura

MITHILESH KUMAR @ MITHILESH RAM S/o- RAMDEO RAM Village-
Budhave Ward no-15, Ps- Singheshwar Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dilip Kumar Roy, Advocate

For the Opposite Party/s : Mrs.Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-06-2023 Heard the parties.

The petitioner is in custody since 5.8.2022 in connection with Chausa P.S. Case No. 42 of 2017 for the offence punishable under Section 379 of the I.P.C. lodged on 16.2.2017 by the informant Basuki Kumar.

As per written-report of informant Basuki Kumar, informant's two motorcycles (one Glamour bearing No. 43F-7347 and another motorcycle Stream Sport (without number) parked at his door in locked condition in the night of 15.02.2017 were stolen. The informant suspected that the alleged motorcycles have been stolen by unknown miscreants. Accordingly, the FIR.

Learned counsel for the petitioner submits that his name has come in the confessional statement of Pawan Kumar,



nothing has been recovered from his conscious possession nor any TIP has been done.

Learned APP opposes the prayer for bail.

Considering the aforesaid submission put forward by the learned counsel for the petitioner that despite his continuance in judicial custody since 5.8.2022, no TIP has been done and further there is no recovery from his side, this Court is inclined to release him on bail. If it is found that the statement made on behalf of the petitioner is incorrect, the bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Udakishanganj, Madhepura, in connection with Chausa P.S. Case No. 42 of 2017 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his



bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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