

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 36348 of 2023**

Arising Out of PS. Case No.-177 Year-2023 Thana- MADHEPURA District- Madhepura

LAL MOHAN MUKHIYA S/O ARUN MUKHIYA R/O Village- Rupauli,
Ward No. 03, P.S- Gamhariya, Distt.- Madhepura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 04-09-2023 Heard the parties.

2. The petitioner is in custody in connection with Madhepura P.S. Case No. 177 of 2023 for the offence under sections 379, 411 of the Indian Penal Code lodged on 17.02.2023 by the informant, Md. Yunus.

3. As per the prosecution story, the petitioner was caught red handed while taking away the motorcycle of the informant. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that under wrong impression that the motorcycle belongs to him, he took it away, has already suffered by being in custody since 18.02.2023 (as stated in paragraph 11 of the petition) and it is his categorical submission that the petitioner do not have criminal antecedent. On the last occasion, on 28.06.2023, a co-



ordinate Bench had directed the S.P., Madhepura, to provide criminal antecedent of the petitioner and as per the office report, the same has not been received.

5. Learned APP opposes the prayer for bail stating that he was caught red handed.

6. Taking into account the submissions put forward by the learned counsel for the petitioner as also the fact that he is in custody since 18.02.2023, do not have criminal antecedent and chargesheet stands submitted, this Court is inclined to extend him the privilege of bail with conditions.

7. If, however, it is found that he do have criminal antecedent, the bail order shall become infructuous.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned J.M.- 1st Class, Madhepura, in connection with Madhepura P.S. Case No. 177 of 2023 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/her 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 fortnight for six months 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.

9. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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