

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36961 of 2023

Arising Out of PS. Case No.-278 Year-2023 Thana- MOTIHARI TOWN District- East
Champaran

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Santosh Kumar Son of Shree Gopal Ray Resident of village - Kusahar, P.S. -
Tariyani, Distt. - Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Shambhu Narayan Singh
		Mr. Suraj Kumar Tiwary, Adv.
For the Opposite Party/s	:	Mr. Dr.Mrityunjaya Kr.Gautam

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

2 28-06-2023 Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with Town
P.S. Case No. 278 of 2023 registered for the offences
punishable under Sections 414, 420, 465, 468 and 471 of
the Indian Penal Code.

The prosecution case as emerging from the FIR is
that on 06.04.2023 at about 01:45 P.M. when the
Informant -S.H.O. along with police personnel were on
patrolling duty, they saw a motorcycle coming from Balua.
Further allegation is that when they tried to stop the vehicle,
he was trying to flee away but police party apprehended him
and found that the motorcycle bearing Registration No.



BR22N-9596 was stolen motorcycle.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the alleged stolen property has not been recovered from the possession of the petitioner. In fact, the petitioner has been falsely implicated in this case and he has nothing to do with the alleged theft property. He also submits that at time of occurrence the petitioner was in market for purchasing sweets and there is no independent witness to the alleged occurrence.

He further submits that the petitioner has been languishing in jail since 07.04.2023.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances,



this application is allowed, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. concerned Trial Court in connection with Town P.S. Case No. 278 of 2023, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bond of the petitioner after



hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bond of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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