

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38947 of 2023

Arising Out of PS. Case No.-1169 Year-2022 Thana- KHAJANCHI HAT District- Purnia

VICTOR KUMAR S/O LATE MANOJ KAMTI R/O Vill. Harda Bazar, PS.
K. Hat (Maranga) Distt. Purnea

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar

For the Opposite Party/s : Mr.Ram Sumiran Rai

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with K. Hat
P.S. Case No. 1169 of 2022 registered for the offence punishable
under Section 379 of the Indian Penal Code.

As per prosecution case, on 03.11.2022 the
informant parked motorcycle of his brother near the gate of
court and when he returned he found that his motorcycle was
missing. Hence, FIR has been registered against unknown thief.

Learned counsel for the petitioner submits that
petitioner is not named in the FIR. He further submits that
petitioner was apprehended in connection with K. Hat
(Maranga) P.S. Case No. 1173 of 2022 in which he confessed
his guilt disclosing his involvement in the present case and



thereafter he was remanded in the present case on 05.01.2023 from K. Hat (Maranga) P.S. Case No. 1173 of 2022 and since then he is in custody. Petitioner bears criminal antecedent of seven cases. He further submits that no TIP has been conducted in this case. No incriminating article has been recovered from conscious possession of the petitioner or from his house. Petitioner is quite innocent and has not committed any offence as alleged in the FIR and just because of his criminal antecedent he has been dragged in the present case. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner keeping in view the criminal antecedent of petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** 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, Purnea in connection with K. Hat P.S. Case No. 1169 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.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(Alok Kumar Pandey, J)

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