

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40679 of 2023

Arising Out of PS. Case No.-275 Year-2023 Thana- MOTIHARI TOWN District- East
Champaran

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AKASH KUMAR S/O MUNNA SAH R/O- Shambhu Chak Bazaar PS.
Kalyanpur, Dist. East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 14-07-2023 Heard learned Counsel for the petitioner and learned
APP for the State.

The petitioner is an accused in connection with
Motihari Town P.S. Case No. 275 of 2023 registered for the
offences under sections 414 and 34 of the Indian Penal Code
lodged on 02.04.2023 by the informant, Nitin Kumar.

The prosecution case, in brief, is that on 02.04.2023 at
2:30 P.M. informant alongwith police personnels were checking
vehicle at Bapudham Station Road. In the meantime, he saw a
person coming towards Patel Chauk on a motorcycle. He gave
signal to him to stop but accused tried to escape from there but
he was apprehended by the police. He disclosed his name as
Akash Kumar. When they demanded papers of the said



motorcycle, accused could not produce the same and told that Subodh Kumar has given this motorcycle one and half month ago. Accordingly, the FIR.

It has been submitted by the learned Counsel for the petitioner that he has purchased the vehicle from Subodh Kumar which was found to be stolen one for which he has already suffered by being in custody since 03.04.2023 (paragraph 10 of the bail application) and he do not have criminal antecedent.

Learned APP for the State, on the other hand, opposes the prayer for bail stating that from his possession stolen vehicle has been recovered.

Considering the fact that he is only 19 years of age, do not have criminal antecedent and is in custody since 03.04.2023, this Court is inclined to extend him privilege of bail.

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 the learned C.J.M., East Champaran in Motihari in connection with Motihari Town P.S. Case No. 275 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 *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 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 his 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 the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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