

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38497 of 2023

Arising Out of PS. Case No.-82 Year-2023 Thana- KAJI MUHAMMADPUR District-
Muzaffarpur

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DHARMENDRA KUMAR SAH @ GUDDU son of Paltan Sah Village-
Asadpur Maibhara Ps- Goraul Dist- Vaishali Petitioner/s
Versus

The State of Bihar Bihar Opposite
Party/s

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Appearance :

For the Petitioner/s : None.

For the Opposite Party/s : Mr.Pradeep Narain Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 07-07-2023 No one appears on call although the State is present.

The petitioner is in custody since 23.2.2023 in connection with Kazimohammadpur P.S. Case No. 82 of 2023 for the offence punishable under Sections 379, 411, 413, 414, 401, 489 of the I.P.C. lodged on 23.2.2023 by the informant Manmohan Kumar.

The prosecution story, in brief, is that the informant has alleged that on 22.2.2023, he along with other police officials were on patrolling duty and he received a confidential information that a motorcycle thief has been caught near Vishal Megamart, Aghoria Bazar by mob. He further alleged that on the basis of information, he proceeded to the spot and took the apprehended person and on being interrogated he disclosed his name as Sumit Kumar. He further alleged that on search, a bunch of master keys were recovered from his jeans pant. He



further named Saurabh Kumar as the person who escaped. Further disclosure was made of selling the motorcycle to present petitioner. Accordingly, the house of the petitioner was raided and a motorcycle recovered.

As per the petition, the house is a joint one for which the petitioner cannot be held accountable. Further, he is in custody since 23.2.2023 (as stated in para-18 of the bail petition).

Learned APP opposes the prayer stating that there has been recovery.

Considering the aforesaid fact that as also that he is in custody since 23.2.2023 (as stated in para-18 of the bail petition) and do not have criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

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 Additional Chief Judicial Magistrate,-1st (East), Muzaffarpur, Bihar, in connection with Kazimohammadpur P.S. Case No. 82 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 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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