

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43046 of 2023

Arising Out of PS. Case No.-748 Year-2022 Thana- RAMPUR District- Gaya

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NANDAN KUMAR @ BRIJNANDAN KUMAR S/O UMESH PRASAD @
UMESH SINGH R/O Village- Kasthua Koiri Bigha, PS. Paraiya, Dist. Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shubhangi Pandey

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

- 2 21-07-2023 1. Heard learned counsel for the petitioner and learned A.P.P. for the State.
2. The petitioner seeks bail in connection with Rampur P.S. Case No. 748 of 2022 registered for the offences punishable under Sections 414/34 of I.P.C.
3. As per prosecution case, petitioner is apprehended with stolen motorcycle.
4. Learned counsel for the petitioner submits that petitioner is in custody since 23.12.2022. Petitioner bears no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that petitioner is quite innocent and has committed no offence as alleged in the F.I.R. Petitioner has no knowledge that the alleged



motorcycle is stolen property and he was riding the motorcycle after taking it from co-accused Rahul Kumar in good faith. Petitioner is only working at co-accused Rahul Kumar's shop with the sole purpose of earning his livelihood and to support his family.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of the petitioner, also taking into consideration the material available on record and argument advanced on behalf of the parties let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned J.M.F.C., Gaya in connection with Rampur P.S. Case No. 748 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.

(Alok Kumar Pandey, J)

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