

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44119 of 2022

Arising Out of PS. Case No.-20 Year-2022 Thana- SRINAGAR District- West Champaran

KISHLAY KUMAR S/o Sugan Yadav R/o village- Guruwalia, P.S.-
Manuapur, District- West Champaran (Bihar)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajeet Kumar Bhardwaj
For the Opposite Party/s : Mr.Ramesh Chandra

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 01-02-2023 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Shrinagar
P.S. Case No. 20/2022 in B.P. No. 2294/2022 registered for the
offences punishable under Section 379 of the Indian Penal
Code.

As per prosecution case, the informant's motorcycle
has been stolen and FIR has been lodged against unknown.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case. The petitioner is not named in the FIR. The petitioner is
languishing in jail custody since 28.02.2022 and he has been



remanded in this case on 28.03.2022 as mentioned in impugned order from Jogapatti P.S. Case No. 109/2022. Jogapatti P.S. Case No. 109/2022 relates to present case (Shrinagar P.S. Case No. 20/2022) and both cases are related to the same stolen motorcycle bearing No. BR22AF9218. The petitioner bears criminal antecedent of one case in which he is on bail. He further submits that no incriminating article has been recovered from the conscious possession of the petitioner. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

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

Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and 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 on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Shrinagar P.S. Case No. 20/2022, 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)

amitkumar/-

U		T	
---	--	---	--

