

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43524 of 2022

Arising Out of PS. Case No.-75 Year-2022 Thana- CHAUSA District- Madhepura

Amit Kumar (Male), aged 20 years, S/o Sri Yadunandan Sah R/o village-
Sadhua, P.S.- Rangra, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Singh, Adv.

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 09-02-2023 Heard learned counsel for the petitioner and the learned APP
for the State.

The petitioner seeks bail in connection with Chousa P.S. Case
No. 75 of 2022 registered for the offence punishable under Section
379/411 of the Indian Penal Code.

The informant's motorcycle which was parked in the local
village fair has been missing, whereafter the petitioner along with co-
accused, namely, Abhishek Kumar & Ashish Kumar are said to have
been apprehended by the informant on the motorcycle.

It has been urged on behalf of the petitioner that he does not
have any criminal antecedents and is in custody since 17.04.2022. In
fact, the petitioner claims to have been arrested on mistaken identity.
The petitioner was visiting the local fair when a suspicion was raised
against him regarding theft of a motorcycle. It is submitted that
investigation is complete. Similarly situated co-accused, namely,
Abhishek Kumar & Ashish Kumar have been allowed bail in Cr.
Misc. No. 47240 of 2022.

Learned APP for the State has opposed the prayer for bail.



Considering the rival submissions, clean antecedents, period of custody, claim based on parity, and the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Udakishunganj, in connection with Chousa P.S. Case No. 75 of 2022, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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