

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52211 of 2023

Arising Out of PS. Case No.-303 Year-2023 Thana- AURANGABAD TOWN District-
Aurangabad

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Bittu Kumar Son of Uday Sao Resident Of Village- Kera Bigha, Wad No. 13,
Ps- Obra, Distt- Aurangabad Bihar Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Dinesh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-08-2023 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
25.04.2023 in connection with Aurangabad Town P.S. Case No.
303 of 2023, F.I.R. dated 25.04.2023 for the offences punishable
under Sections 401, 413, 414, 420, 467 and 468/34 of the Indian
Penal Code.

3. According to prosecution case, as per written
report of the informant, he was checking suspicious vehicle at
Ramesh Chowk, Aurangabad with police personnel. In the
meantime, a motorcycle came thereupon two boys were sitting
and on seeing the police they tried to flee away from there but
the they were caught by police force, when they were asked
about the papers of motorcycle, no papers were produced rather
they tried to flee away from there leaving the motorcycle but
one of them was caught by police personnel and the motorcycle



was seized. Later on, on interrogation the accused person disclosed that he is member of group of motorcycle lifter and he has stolen several motorcycles with his associates.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that petitioner was arrested along with other co-accused persons with the stolen motorcycle. He further submits that it appears from the F.I.R. that co-accused persons, namely Rahul Kumar and Deepak Kumar have confessed that they have received the motorcycle from the co-accused Prince Kumar and they have not stated anything about the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 25.04.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, 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 Chief Judicial Magistrate, Aurangabad, in connection with Aurangabad Town P.S. Case No. 303 of 2023, subject to the



following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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