

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51662 of 2023

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

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Monu Kumar Son of Ram Vijay Singh Resident of village - Chapri, P.S. -
Obra, Distt. - Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate
For the Opposite Party/s : Mr. Shantanu Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

3. Petitioner seeks bail who is in custody since
06.06.2023 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, 468/34 of
the Indian Penal Code.

4. According to prosecution case, all the accused
persons including the petitioner have said to be involved in
stealing the motorcycle, buying and selling of motorcycle by



changing the number plate and keeping the master key with them to commit theft.

5. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case merely on the basis of the disclosure made by the co-accused persons. He further submits that nothing has been recovered from the conscious possession or the house of the petitioner and except the disclosure made by the co-accused persons, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that it has come during investigation that the co-accused, namely, Rahul Kumar and Deepak Kumar have confessed that they have received the motorcycle in question from the co-accused, namely, Prince Kumar. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Bittu Kumar, who has disclosed the name of the petitioner, has been granted bail by this Court vide order dated 17.08.2023 passed in Cr. Misc. No. 52211 of 2023 and other accused persons, namely, Rahul Kumar and Deepak Kumar have been granted bail by a Co-ordinate Bench of this Court vide order dated 07.08.2023



passed in Cr. Misc. No. 47240 of 2023. The petitioner is in custody since 06.06.2023.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in the said case.

7. 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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