

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51267 of 2023

Arising Out of PS. Case No.-331 Year-2023 Thana- ARARIA District- Araria

SHAMBHU KUMAR THAKUR Son of Shankar Thakur R/o - Kauling Paud,
Mahuar, Sector 9, P.S. - Harla, Distt. - Bokaro (Jharkhand), Presently residing
as Tenant in the House of Khaja, S/o Late Ibrahim, R/o Mahishakol, ward no.
07, P.S. - Araria, Distt. - Araria, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aatish Kumar, Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since
08.04.2023, in connection with Araria P.S. Case No. 331 of 2023,
F.I.R. dated 07.04.2023 registered for the offences punishable
under Sections 413 and 414 of the Indian Penal Code.

3. As per prosecution case, petitioner was
apprehended along with motorcycle bearing Registration No.
BR38N5441 and upon enquiry made by the police officials the
petitioner could not produce the documents of the motorcycle.

4. Learned counsel for the petitioner submits that
the petitioner is innocent and he has been falsely implicated in
the present case. He further submits that as per allegation in the
F.I.R. the petitioner was apprehended along with motorcycle in



question and the petitioner had not produced the document of the motorcycle and there is non compliance of Section 100 of the Cr. P.C. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 08.04.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries three more cases other than the present one.

6. Considering the facts and circumstances of the case, 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 Chief Judicial Magistrate, Araria in connection with Araria P.S. Case No. 331 of 2023, subject to the following conditions :-

(1) 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.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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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