

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55842 of 2023

Arising Out of PS. Case No.-11 Year-2022 Thana- CHAUSA District- Madhepura

=====

AMAR KUMAR SON OF AMBIKA YADAV RESIDENT OF VILLAGE-
BHATGAMA, PS- CHAUSA, DISTT- MADHEPURA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

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

Mr. Rupesh Kumar, Advocate

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-08-2023 Heard Mr. Ranjit Kumar, learned counsel for the
petitioner and learned APP for the State.

The petitioner is in judicial custody in connection with Chausa P.S. Case No. 11 of 2022 registered under Sections 379 of the Indian Penal Code lodged on 18.01.2022 Madhepura by the informant, Aman Kumar.

As per the prosecution story, the motorcycle of the informant was stolen from the door of the house. Accordingly, the FIR has been lodged against unknown.

During investigation, one Mirtyunjai Kumar @ Mithun Kumar @ Mithun was arrested and his confession, the name of the petitioner came in. It is the case of the petitioner that after his concession, the petitioner was arrested on



28.01.2022 (as stated in paragraph-12 of the petition) but no Test Identification Parade has been conducted and further Mirtyunjay Kumar @ Mithun Kumar @ Mithun has been granted bail in Cr. Misc. No. 53439 of 2022 vide order dated 23.12.2022 (Annexure-2 to the petition).

Learned APP for the State opposes the prayer for bail.

Considering the submissions put forward by the learned counsel for the petitioner as also the fact, his name has come on the confessional statement of co-accused, Mirtunjay Kumar @ Mithun Kumar @ Mithun who has since been extended the privilege of bail and he is in custody since 28.01.2022, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned SDJM, Udakishunganj, Madhepura in connection with Chausa P.S. Case No. 11 of 2022, subject to the following conditions:

- (i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;
- (ii) the petitioner shall appear on each and every date



before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Jagdish/-

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

