

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54282 of 2023

Arising Out of PS. Case No.-803 Year-2022 Thana- MOTIHARI TOWN District- East
Champaran

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Dinanath Prasad son of Achhelal Sah village- Ashogi P.O. + P.S- Bairganiya
Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Pravin Kumar, Advocate
For the State	:	Mrs. Suman Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 14-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since
23.11.2022, in connection with Motihari Town P.S. Case No.
803 of 2022, F.I.R. dated 22.10.2022 registered for the offences
punishable under Sections 461, 379 of the Indian Penal Code.

3. The F.I.R. of the occurrence of theft is against
unknown.

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 the petitioner is not
named in the F.I.R. and the name of the petitioner has been
transpired during investigation on the basis of confessional



statement of co-accused person namely Sabir Dewan @ Sabir Dubey. He further submits that nothing has been recovered from the conscious possession of the petitioner and the petitioner has been remanded in this case from Ghorasahan P.S. Case No. 612 of 2022 on 23.11.2022. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 23.11.2022.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner has also confessed his guilt in the present case and apart from the aforesaid the petitioner carries two more cases other than the present one but fairly submits from paragraph-3 of the petition that out of two cases, the petitioner is on bail in one case.

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 Judicial Magistrate 1st Class, Sadar Motihari, East Champaran in connection with Motihari Town P.S. Case No. 803 of 2022, 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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