

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55376 of 2022

Arising Out of PS. Case No.-123 Year-2020 Thana- JANDAHA District- Vaishali

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Amar Kumar @ B. N. Sonar Son Of Late Arjun Sah R/O Village- Jandaha
Purani Bazar, P.S.- Jandaha, Distt.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivjee Singh, Adv.

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 21-02-2023 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
S.T. No. 322 of 2022 arising out of Jandaha P.S. Case No. 123
of 2020 lodged under Sections 413, 414 of the I.P.C.

As per the prosecution case, there are 2 named
persons were made accused in this case.

Learned counsel for the petitioner submits that from
the F.I.R., the recovery of theft motorcycle has been made from
the possession of accused, Md. Islam. Counsel submits that the
petitioner was not apprehended from the place of occurrence,
rather co-accused has disclosed the name of the present
petitioner, due to which his name has figured in the F.I.R.

Counsel for the petitioner submits that petitioner is innocent and has committed no offence. He submits that petitioner was not apprehended from the place of occurrence rather Md. Islam, the co-accused has been arrested from the place of occurrence and motorcycle which is subject to theft was recovered from him. Counsel further submits that there are 2 criminal cases pending against him and in which he is on bail. Counsel further submits that the petitioner is in custody since 05.01.2022 in which charge sheet has already been filed and charge has also been framed on 29.08.2022. Counsel further submits that when charge has already been framed, then no purpose shall be served keeping him in jail. Counsel submits that petitioner is ready to face the trial and shall present on each and every date.

Learned counsel for the State opposes the prayer for bail and submits that the recovery of one motorcycle, which is subject to theft was made at the house of the petitioner on the basis of the statement of the co-accused.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XIII,

Vaishali at Hajipur in connection with S.T. No. 322 of 2022 arising out of Jandaha P.S. Case No. 123 of 2020, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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