

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 56885 of 2023

Arising Out of PS. Case No.-196 Year-2023 Thana- WARISNAGAR District- Samastipur

CHANDAN KUMAR S/O - SUKDEV RAY @ SUKHDEV RAY R/O
VILLAGE - AJNA, P.S. - KALYANPUR, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Mahendra Pratap, Advocate

For the Opposite Party/s : Mr Parmanand Kumar, APP

CORAM: HONOURABLE MR JUSTICE RAJIV ROY

ORAL ORDER

2 30-08-2023 Heard Mr Mahendra Pratap, learned counsel for the
petitioner and Mr Parmanand Kumar, learned APP.

2 The petitioner is in judicial custody in connection
with Warisnagar PS Case No 196 of 2023 registered for the
offence punishable under Sections 379, 411 of Indian Penal
Code.

3 As per the prosecution story, the public apprehended
one Chhotu Kumar while he was trying to take away the
motorcycle of the informant. Accordingly, the FIR lodged.

4 Subsequently, during investigation, Chhotu Kumar
disclosed the name of the petitioner in his confessional
statement. It is the case of the petitioner that neither any
motorcycle has been recovered from his possession nor he was



arrested on the spot rather on the confessional statement of co-accused, he is in jail. He, however, submits that he does have criminal antecedent.

5 Learned APP opposes the prayer for bail. It is submitted that during the course of investigation, petitioner's name has surfaced.

6 Considering the fact on record, the submission on behalf of the parties as also that the person, who was taking away the motorcycle was Chhotu Kumar, nothing has been recovered from the petitioner and he is in custody since 08.06.2023, this Court is inclined to extend him the privilege of bail with conditions but only after framing of charges.

7 Let the petitioner above named be released on bail, after framing of charges, on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 01st Class, Samastipur in Warisnagar PS Case No 196 of 2023 subject to the following conditions:

(i) One of the bailors should be the family member of the petitioner who shall provide official document to show his 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 bail bonds by the trial Court itself;

(iii) The petitioner shall appear before the concerned police station every fortnight for next six months to mark his 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 his bail bonds.

8 With the aforesaid observations, this application is
allowed.

(Rajiv Roy, J)

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