

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59032 of 2023

Arising Out of PS. Case No.-534 Year-2023 Thana- TURKAULIYA District- East
Champaran

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Mukesh Kumar, Son Of Sukham Mahto, Resident Of Village -SINGHIYA
Hiban, Ps- Banjaria, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : None

For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 08-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. From perusal of the record, it appears that the present application has been filed by the petitioner seeking regular bail in connection with Turkauliya P.S. Case No.534/2023, lodged on 07.05.2023 under Section 414 of the Indian Penal Code.

3. It appears that the FIR has been lodged on the basis of secret information received to the effect that the petitioner is indulged in the commission of theft of a motorcycle and has kept the theft motorcycle in his house. Subsequently, the house of the petitioner was raided from where one motorcycle was recovered. On-demand being made, the petitioner failed to



produce the document in connection with the recovered motorcycle, leading to the registration of the present FIR.

4. From perusal of the petition, it appears that the petitioner is in custody since 07.05.2023 and he has been accused in three more criminal cases, but in all the cases, he has been granted bail. The offence under which the FIR has been lodged is triable by the Magistrate.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that recovery of the theft motorcycle has been made from the possession of the petitioner and his antecedent is not clean.

6. In the present facts and circumstances of this case, let the petitioner above named, be released on bail, **but only after framing of charge**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Sadar, East Champaran, Motihari, in connection with Turkauliya P.S. Case No.534/2023, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the following conditions:

(i) one of the bailor 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 month for one year to mark attendance;

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

(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.

(Dr. Anshuman, J)

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