

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60557 of 2023

Arising Out of PS. Case No.-409 Year-2023 Thana- MAJHAULIA District- West Champaran

GUDDU SAH @ BHOLA SAH S/O VIRVAL SAH @ BIRBAL SAH
VILLAGE- BAGAHI, BAKULIYA TOLA, PS- BAIRIYA, DIST- WEST
CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate
Mrs. Bharti Ray, Advocate
For the Opposite Party/s : Mr. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 08-09-2023 Heard Mr. Sanjeev Kumar duly assisted by Ms. Bharti Ray learned counsel for the petitioner and learned APP for the State.

2. The petitioner is in custody in connection with Majhauria P.S. Case No. 409 of 2023 for the offence punishable under Section 379 of the IPC lodged on 23.05.2023 by the informant NeeraJ Kumar Yadav.

3. As per the prosecution story, the police intercepted a motor cycle and it was found that the same is stolen one. Accordingly the FIR.

4. It is the case of the petitioner that under wrong belief, he was taken into custody and the stolen motorcycle was attributed to him for which he has suffered by being custody



since 19.06.2023 (as stated in paragraph 14 of the bail petition).
It is further submission that after the motorcycle went missing, another FIR was lodged in which also he was made accused in which he is already on bail.

5. Learned APP opposes the prayer though concede that for the same cause of action twice he has been put under arrest.

6. Considering the submission put forward by the learned counsel for the parties, period of custody, as also the fact that in another case, he has been granted bail, FIR lodged and ultimately he will be facing the trial, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned C.J.M. Bettiah, West Champaran, in connection with Majhauria P.S. Case No. 409 of 2023 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 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 bond 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 the 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.

(Rajiv Roy, J)

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