

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 59902 of 2022

Arising Out of PS. Case No.-61 Year-2022 Thana- KARTAHA District- Vaishali

VIRENDRA KUMAR @ BIRENDRA KUMAR Son of Harendra Singh R/v-
Unchidih, P.S.- Bidupur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Sunil Kumar Singh, Advocate

For the Opposite Party/s : Ms Anita Kumari, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 19-01-2023

Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for brevity, **APP**) appearing for the State of Bihar.

The petitioner seeks bail in Kartaha Police Station (for brevity, **PS**) Case No 61 of 2022 registered for the offence punishable under Sections 413, 414/34 of Indian Penal Code.

Since 26.07.2022, the petitioner is in custody.

Learned counsel submits that petitioner has no antecedent. The allegation of recovery of stolen motorcycle is false which is apparent from the fact that the petitioner has been arrested from his home. There is no recovery from him whatsoever of any incriminating article. There is no compliance of Section 100 of Criminal Procedure Code in preparation of seizure memo.

Learned APP has opposed the prayer for bail. It is submitted that petitioner was found with stolen motorcycle.

Having considered the rival submissions, custody, clean antecedent as also the completion of investigation, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let



the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate III, Vaishali at Hajipur in Kartaha PS Case No 61 of 2022 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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