

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63024 of 2022

Arising Out of PS. Case No.-302 Year-2022 Thana- WAJIRGANJ District- Gaya

SONU KUMAR Son of Late Sunil Prasad Resident of Village- Makhdumpur,
P.S.- Wazirganj, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indradeo Prasad

For the Opposite Party/s : Mr. Md. Mushtaque Alam

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 07-02-2023 Heard learned counsel for the petitioner and learned APP for
the State.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in connection with Wajirganj P.S. Case No. 302 of 2022 registered under Sections 379, 411, 413, 414 and 34 of the Indian Penal Code.

There is allegation that three boys have been indulging in stealing of she-goat from the area. One co-accused namely, Nitish Kumar, was apprehended while he was moving on the stolen motorcycle after stealing she-goat. The petitioner is stated to be the pillion rider.

Learned counsel for the petitioner submits that the petitioner took a *bona fide* ride on the motorcycle from the co-accused Nitish Kumar, oblivious of the fact that the motorcycle or the she-goat had



been stolen by him. He has no antecedent and in such circumstances has become victim of *bona fide* request for lift on motorcycle in question. He is in custody since 27.06.2022. Investigation is complete.

Learned APP has opposed the prayer for bail.

Considering the rival submissions, period of custody, clean antecedent and also the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel.

Prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate- 1st, Gaya in Wajirganj P.S. Case No. 302 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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