

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64901 of 2022

Arising Out of PS. Case No.-1 Year-2022 Thana- MANSI RPF/POST District- Khagaria

NARESH PODDAR S/O Late Ramvilash Poddar R/O village- Chhoti Chak,
Ward No-12, P.S- Gogari, District- Khagaria

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar Singh, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-03-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offence under Section 3 R.P. (U.P.) Act.

According to the prosecution, 61 battery has been
stolen by the unknown thief and out of 61, 40 battery has
been recovered from the kabari shop of the Naresh Poddar.

Learned counsel appearing for the petitioner submits
that the petitioner has clean antecedent. He has falsely been
implicated in the present case. He further submits that it appears
from the FIR that the date of occurrence as alleged in the FIR is
17.05.2022 but the present FIR has been instituted on
28.05.2022 after delay of 11 days without giving any
explanation of delay. Further submits that the present FIR has



been instituted after arrest of the petitioner. Further submits that nothing has been recovered from conscious possession of the petitioner and till date no TIP has been conducted by the prosecution and the similarly situated co-accused person, namely, Naveen Chaurasia has been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 07.02.2023 passed in Cr. Misc. No. 59156 of 2022 and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 29.05.2022.

Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with R.P.F. Mansi P.S. Case No. 01 of 2022 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.



(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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