

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63267 of 2022

Arising Out of PS. Case No.-928 Year-2021 Thana- TURKAULIYA District- East
Champaran

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Vishal Kumar Son Of Dharmendra Yadav @ Dharmendra Chaudhari R/O
Village- Bangara, P.S.- Barhariya, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Madhurendra Kumar, Advocate
For the Opposite Party/s : Mr.Uday Chand Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-02-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

In the present case, the petitioner seeks bail in connection with Turkauliya P.S. Case No. 928 of 2021 registered for the alleged offences under Sections 379/411 of the Indian Penal Code.

As per prosecution case, the pick-up vehicle of the informant was stolen by unknown thief. The name of the petitioner transpired during investigation as one of the thieves, who was involved in the theft of vehicle of the informant.

Learned counsel for the petitioner submits that the petitioner is not named in the FIR and his name sprang up in this case on the basis of confessional statement of co-accused



Aman Kumar Patel. Even the stolen vehicle was recovered from the house of co-accused Aman Kumar Patel and nothing incriminating has been recovered from the person or possession of the petitioner. Except the confessional statement of the co-accused, no material was collected against the petitioner during the investigation. One of the co-accused namely, Himanshu Kumar has been granted bail by Co-ordinate Bench vide order dated 31.08.2022 passed in Cr. Misc. No. 31695 of 2022. The petitioner is in custody since 13.01.2022 and charge sheet has been submitted.

Learned A.P.P. for the State opposes the prayer for bail submitting that the petitioner is having criminal antecedent and he is accused in two other cases of serious nature.

Perused the records.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that nothing has been recovered from the possession of the petitioner and further considering the period of custody of the petitioner and submission of charge sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate,



Ist Class, East Champaran, Motihari/concerned court in connection with Turkaulia P.S. Case No. 928 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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