

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63491 of 2022

Arising Out of PS. Case No.-75 Year-2021 Thana- KHAJAULI District- Madhubani

Manoj Kumar Das Son of Jibachh Das, R/o Village- Betauna, P.S.- Jaynagar,
District- Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Soban Asghar, Advocate
For the Opposite Party/s : Mr. Rita Verma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 11-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
19.04.2021 in connection with Sessions Trial No. 274 of 2021
arising out of Khajauli P.S. Case No. 75 of 2021, F.I.R. dated
18.04.2021 for the offences punishable under Sections 413, 414
of the Indian Penal Code.

According to prosecution case, as per written report of
the informant Arun Kumar Singh (Sub-Inspector, Khajauli P.S.)
on 18.04.2021 at about 05.00 P.M. while the informant wlong
with other police force were on patrolling duty, in course of
checking the vehicle near Kanhauli Lohia Chowk, they saw one
person boarded on the pulsar motorcycle on seeing the police,
he tried to escape from there but that person was apprehended



by the police and one Pulsar motorcycle bearing Registration No. BR-07J-2956 and rubbed chasiss number and engine number was recovered from his possession. On query that person disclosed his name as Manoj Kumar Das (petitioner). When the informant further queried from him about the said motorcycle then he confessed that it was a stolen motorcycle as also he did not produce any relevant paper of said motorcycle.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated. He further submits that nothing has been recovered from the conscious possession of the petitioner, rather the police has planted the same and shown the recovery from the possession of the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner.

Vide order dated 28.02.2023 a report was called for with regard to the present stage of trial. Report dated 17.03.2023 reveals that the charge has been framed against the petitioner on 22.10.2021 but till date no prosecution witnesses have been examined.

Learned counsel for the petitioner further submits that



in view of the report of the learned trial court that the trial is not likely to be concluded in near future and the petitioner is in judicial custody since 19.04.2021.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries four criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances as well as period of custody, 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 the learned Additional Sessions Judge-IX, Madhubani in connection with Sessions Trial No. 274 of 2021 arising out of Khajauli P.S. Case No. 75 of 2021, subject to 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 absence on two consecutive dates without sufficient reason, his 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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