

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67216 of 2023

Arising Out of PS. Case No.-226 Year-2023 Thana- SONBERSA District- Sitamarhi

Shiv Shankar Kumar, Son of - Raj Kumar Sah, Resident of Village - Rupauli,
P.s. - Bathnaha, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar, Advocate

For the Opposite Party/s : Ms.Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 17-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Sonbarsa P.S. Case No.226/2023, lodged on 16.07.2023 under
Section 414 of the Indian Penal Code.

3. As per the prosecution case, the FIR has been
lodged against three named accused persons including the
petitioner who have been apprehended by the police with a
motorcycle which was subject to theft.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He further
submits that due to wrong impression of his friend, he used the
said motorcycle which was subject to theft. He further submits
that the petitioner is accused in one more criminal case in which



he is on bail and he is in custody since 17.07.2023. He further submits that the accusation has been levelled under section 414 of the I.P.C. which is triable by a Magistrate.

5. Learned APP for the State opposes the prayer for bail of the petitioner.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Sitamarhi, in connection with Sonbarsa P.S. Case No.226/2023, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;



(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J)

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