

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68577 of 2023

Arising Out of PS. Case No.-76 Year-2023 Thana- KALYANPUR District- Samastipur

Abinash Singh Kushwaha @ Abinash Kumar Son Of Rohit Mahto Village-
Basudeopur Ps- Kalyanpur Dist- Samastipur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Adv.

For the Opposite Party/s : Mr. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 19-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Kalyanpur P.S. Case No. 76 of 2023 lodged under Section 379
of the I.P.C.

3. As per the prosecution case, the F.I.R. has been
lodged against unknown accused persons with allegation that
they have committed theft of the vehicle of the informant.

4. Learned counsel for the petitioner submits that
petitioner is not named in the F.I.R. and his name has figured in
this case by virtue of confessional statement made by the co-
accused. He further submits that neither anything incriminating
has been recovered from the possession of the petitioner nor he
was put on T.I.P.

5. Counsel fairly submits that it is true that there are 2 criminal cases pending against the petitioner in which he is on bail and petitioner is in custody since 08.05.2023.

6. Learned counsel for the State opposes the prayer for bail and submits that it is true that no material has come in this case against the petitioner, but his criminal antecedent is not clean.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, **but only after framing of charge**, 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, Samastipur, in connection with Kalyanpur P.S. Case No. 76 of 2023, subject to the following conditions as laid down under Section 437(3) of Cr.P.C. with other 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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