

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68325 of 2022

Arising Out of PS. Case No.-299 Year-2022 Thana- MANJHI District- Saran

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Santosh Kumar Trivedi, Son of Kamla Kant Trivedi, Resident of Village – Tekniwas, Bazar, P.S.- Revelganj, District - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Narayan Singh, Advocate

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-03-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 413 and 414 of the Indian Penal Code.

According to prosecution case, the S.H.O, Manjhi, has received a secret information that accused petitioner has kept a stolen motorcycle in his shop and upon investigation a stolen motorcycle was recovered from the shop of the accused petitioner and upon demand of any proof regarding the said motorcycle of his own, he failed to produce any concerning document of recovered motorcycle.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been



implicated in the present case. He further submits that it appears from the F.I.R as well as seizure list that one motorcycle has been recovered from the shop of the petitioner. He further submits that there is non-compliance of Section 100 of Cr.P.C and in fact nothing has been recovered from the shop of the petitioner rather the police has planted the same and shown that the recovery has been made from the shop of the petitioner. He further submits that after recovery of the motorcycle in question, the confessional statement of the co-accused namely Sanjeev Kumar was recorded and the police, after investigation, submitted the chargesheet against the petitioner and the petitioner is in custody since 20.08.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, 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 Court below where the case is pending in connection with Manjhi, P.S. Case No. 299 of 2022, 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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