

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68065 of 2022

Arising Out of PS. Case No.-371 Year-2022 Thana- CHHATAUNI District- East Champaran

SHIKHAR RAJ @ BHANU SINGH Son of Ganesh Prasad R/V- Mirganj
Bind Toli, Ward No. 6, P.S- Town, Dist- Arrah (Bhojpur)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
17.07.2022, in connection with Chhatauni P.S. Case No.
371/2022, F.I.R. dated 13.07.2022, for the offences punishable
under Sections 379 and 328 of the Indian Penal Code.

According to prosecution case, the accused persons
have taken the vehicle from the driver of the informant by
providing him spurious material by which the driver of the
informant become unconscious and taken the Scorpio vehicle.
Subsequently, for the event of theft of Scorpio vehicle with
mobile, the present F.I.R. has been instituted.

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



implicated in the present case merely on the basis of suspicion and on the basis of mobile number of the petitioner. He further submits that the petitioner is not named in the F.I.R. The name of the petitioner has been transpired during investigation on the basis of the tower location of mobile of the petitioner and key of vehicle in question was recovered from the co-accused namely, Raushan Kumar. He further submits that nothing has been recovered from conscious possession of the petitioner and said Raushan Kumar has been granted bail by another co-ordinate Bench of this Court vide order dated 24.02.2023 passed in Cr. Misc. No. 62051/2022 and other co-accused namely Neeraj Singhal has been granted bail vide order dated 06.04.2023 passed in Cr. Misc. No. 3279/2023. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 17.07.2022.

The learned Additional Public Prosecutor for the State on the other hand 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 C.J.M.,



East Champaran at Motihari, in connection with Chhatauni P.S.
Case No. 371/2022, 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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