

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66540 of 2022

Arising Out of PS. Case No.-111 Year-2022 Thana- BEERPUR District- Begusarai

Vikki Kumar, Son of Raj Kumar Das, R/O Village- Mozafra, Ward No.07,
P.S.- Birpur, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 25-02-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Pramod Kumar, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Birpur P.S. Case No. 111 of 2022 registered for the offence punishable under Section 379 of the Indian Penal Code.

It is alleged that the motorcycle of the informant is stolen by some unknown thieves on 22.08.2022.

Learned counsel appearing on behalf of the petitioner submits that from the F.I.R. it is evident that the motorcycle of the informant was stolen on 22.08.2022 by unknown thieves, but the F.I.R. has been instituted on 24.08.2022, that too when



the motorcycle was recovered from the house of Durgesh Kumar and Kare Kumar on 24.08.2022 itself. It is next submitted that during the course of investigation, it has come that the villagers disclosed the name of the petitioner and others, who indulged in theft of the vehicles. He next submits that save and except the disclosure made by the villagers, there is no material suggesting the complicity of the petitioner, apart from the fact no incriminating material has been recovered from his possession. He lastly submits that the petitioner is in custody since 24.08.2022 and now the charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner is found involved in two other criminal cases.

Regard being had to the submissions made on behalf of the parties and considering the fact that the stolen motorcycle has been recovered from the other co-accused persons and save and except the disclosure made by the villagers, there is no material, coupled with the period of custody, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Birpur P.S. Case No.



111 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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