

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73024 of 2023

Arising Out of PS. Case No.-286 Year-2023 Thana- BARUN District- Aurangabad

=====

MONU KUMAR S/O SURENDRA CHAUDHARY @ SURENDRA PASI
R/O VILLAGE- KHEMDA, P.S- BARUN, DISTT.- AURANGABAD.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Ms. Rupa Kumari, Advocate

For the Opposite Party/s : Mr. Rajesh Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-11-2023 Heard the parties.

2. The petitioner is an accused in connection with Barun P.S. Case No. 286 of 2023 registered for the offences under sections 379 and 411 of the Indian Penal Code lodged on 25.06.2023 by the informant, Bipin Kumar.

3. As per the prosecution story, the motorcycle of the informant was stolen outside his house and later he came to know that the accused person is negotiating for sell of the motorcycle. The informant appeared alongwith the police where he confessed to the crime and the motorcycle recovery took place.

4. It is the case of the petitioner that nothing has been recovered from his conscious possession, all the recovery is from an open place but the police has implicated alleging the



recovery to him.

5. The last submission is that he do not have criminal antecedent and is in custody since 25.06.2023 (as stated in paragraph 4 of the bail application).

6. Learned APP for the State, on the other hand, opposes the prayer for bail.

7. Taking into account the aforesaid fact that the recovery is from an open place, he is in custody since 25.06.2023 and as per the petition he do not have criminal antecedent, this Court is inclined to extend him privilege of bail.

8. If however it is found that a false statement is there in paragraph 3 that he do have criminal antecedent, this bail order shall become infructuous.

9. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned C.J.M., Aurangabad (Bihar) in connection with Barun P.S. Case No. 286 of 2023, subject to 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 bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

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

(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 his bail bonds.

10. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Neha/-

U		T	
---	--	---	--

