

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71455 of 2022

Arising Out of PS. Case No.-541 Year-2022 Thana- SHEKHPURA District- Sheikhpura

Biru Kumar S/O Balram Noniya R/O Khandpur, P.S and District- Sheikhpura

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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

Petitioner seeks bail in connection with Sheikhpura P.S. Case No. 541 of 2022 for the offences punishable under Sections 379 and 414 of the Indian Penal Code.

According to prosecution case, all the accused persons including the petitioner were member of a gang. It is further alleged that they have stolen a motorcycle and sold it in parts in the scrap shop of the petitioner.

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



implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is that the petitioner is the scrap shop owner and he has purchased the part of the motorcycle as a scrap. He further submits that he has purchased the parts of motorcycle from the people who sold it as a scrap in his shop. He further submits that except the aforesaid, no other cogent material has come during investigation against the petitioner. The petitioner is in custody since 10.09.2022.

The learned Additional Public Prosecutor 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 Judicial Magistrate, Sheikhpura in connection with Sheikhpura P.S. Case No. 541 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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