

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72930 of 2023

Arising Out of PS. Case No.-226 Year-2023 Thana- SONBERSA District- Sitamarhi

JITENDRA KUMAR S/O NANKI RAY R/O VILLAGE- VISHUNAPUR
GIDHA, P.S- MANIYARI, DISTT.- MUZAFFARPUR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shambhoo Kumar Suman

For the Opposite Party/s : Mr.Bharat Lal

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 29-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Sonbarsa
P.S. No. 226 of 2023 registered for the offence punishable under
Section 414 of the IPC.

3. As per prosecution case, informant alongwith police
team was on vehicle checking drive and in the course of checking
three persons were apprehended and three motorcycles were also
found at the place of occurrence. Apprehended persons disclosed
their name as Jitendra Kumar (petitioner), co-accused Gautam Kumar
and Shiv Shankar.

4.Learned counsel for the petitioner submits that petitioner
is in custody since 17.07.2023 and bears criminal antecedent of one
case. Learned counsel orally submits that charge sheet has been
submitted in the case and there is no likelihood of tampering with the



prosecution evidence. Learned counsel further submits that nothing has been recovered from the conscious possession of the petitioner. The vehicle in question which was alleged to be recovered from the possession of the petitioner is totally baseless as alleged in the FIR. Learned counsel further submits that the owner of the motorcycle bearing registration no. BR31AG-7093 has filed a case against unknown persons and for the same stolen motorcycle police has previously filed the case against petitioner and other. In this way, two cases have been filed for the same stolen motorcycle at two times, which clearly falsifies the prosecution story. Except suspicion, there is nothing on record to demonstrate the complicity of petitioner with the alleged occurrence. He further submits that petitioner is quite innocent and has falsely been implicated in the case.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case as well as period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of the parties and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Sonbarsa P.S. No. 226 of 2023,subject



to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

vashudha/-

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