

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75744 of 2023

Arising Out of PS. Case No.-741 Year-2023 Thana- SHERGHATI District- Gaya

PINTU KUMAR Son of Naresh Chaudhari R/o vill - Bangla Patti, P.S. -
Barachatti, Distt. - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar

For the Opposite Party/s : Mr.Jagdhari Prasad

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 30-11-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with Sherghati (Dobhi) P.S. Case No. 741/2023 registered for the offences punishable under Sections 379, 414, 420/34 of the Indian Penal Code.

As per prosecution case, it is alleged that on secret information, petitioner and others were apprehended. It is further alleged that they were involved in the theft of motorcycle. On the identification of all the apprehended accused persons, Mithilesh Kumar was apprehended. It is further alleged that Mithilesh Kumar disclosed the name of co-accused Sarwan Kumar from whom the stolen motorcycle was recovered.

Learned counsel for the petitioner submits that



petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Nothing has been recovered from conscious possession of the petitioner. Petitioner has nothing to do with the recovered motorcycle and for the said recovery another case has been filed namely Hulasganj P.S. Case No. 28/2021 in which the petitioner has not been made accused. It is further submitted that petitioner never indulged in selling or purchasing of stolen motorcycle or any other such type of offence. Moreover, Mithilesh Kumar upon whose disclosure the motorcycle in question has been recovered, has already been granted bail by a co-ordinate bench of this court vide Cr. Misc No. 71780 of 2023 and the case of present petitioner stands on better footing as no recovery has been made from his conscious possession. It is further submitted that petitioner is in custody since 11.07.2023. Learned counsel has orally submitted that petitioner bears criminal history of one case in which he is on bail and chargesheet has already been submitted and there is no likelihood of tampering with the prosecution evidence.

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

Considering the facts and circumstances of the case,



period of custody, argument advanced on behalf of both sides 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 A.C.J.M. 1st Sherghati at Gaya in connection with Sherghati (Dobhi) P.S. Case No. 741/2023, subject to the 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)

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