

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4147 of 2024

Arising Out of PS. Case No.-433 Year-2023 Thana- SAHPUR District- Bhojpur

LALU SONAR @ RAHUL SON OF LT. GANESH PRASAD RESIDENT
OF VILLAGE / MOHALLA - SHAHPUR, P.S. - SHAHPUR, DISTRICT -
BHOJPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Diwakar, Advocate
	Ms. Priya Kumari, Advocate
	Mr. Prashant Sharma, Advocate
	Mr. Shivam Kumar, Advocate
	Mr. Anuranjan Patel, Advocate
For the Opposite Party/s :	Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-02-2024 Heard Ms. Priya Kumari, learned Counsel for the
petitioner and learned Counsel for the State.

2. The petitioner is an accused in connection with
Shahpur P.S. Case No. 433 of 2023 registered for the offences
under section 379 of the Indian Penal Code lodged on
17.09.2023 by the informant, Dipu Kumar Gupta.

3. As per the prosecution story, the motorcycle of the
informant was stolen on 16.09.2023 which he came to know on
17.09.2023 and accordingly, the FIR.

4. Subsequently, the motorcycle was recovered from
the bushes at Kirani Chowk of the village and name of the
petitioner came.

5. Ms. Priya Kumari, learned Counsel for the



petitioner submits that nothing has been recovered from his conscious possession rather the recovery has been shown from the bushes, only because he has criminal antecedent of the same nature, has been implicated.

6. Learned APP for the State, on the other hand, opposes the prayer for bail stating that he has criminal antecedent.

7. Taking into account the submissions put forward by the parties as also the fact that the recovery is from the bushes, he is in custody since 20.10.2023 (as stated in paragraph 14 of the bail application), this Court is inclined to extend him privilege of bail.

8. 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 A.C.J.M.-I, Bhojpur at Ara in connection with Shahpur P.S. Case No. 433 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 month for next one year 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.

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

10. Before parting, this Court would like to put on record its word of appreciation for Ms. Priya Kumari, learned counsel for the petitioner for proper assistance rendered in the matter.

(Rajiv Roy, J)

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