

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6998 of 2024

Arising Out of PS. Case No.-466 Year-2023 Thana- GHORASAHAN District- East
Champaran

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Nand Kishore Prasad @ Bhagat Jee S/O Ram Bharosh Prasad Kushwaha
Village- Khap Ghiura, Ps. And Dist. Rautahat (Nepal).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 17-02-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection
with Ghorasahan P.S. Case No.466 of 2023, lodged on
04.08.2023, under Sections 413/414 of the Indian Penal Code.

3. As per the prosecution, FIR has been lodged
against two named accused persons including the petitioner
from whom motorcycle and mobile phone have been
recovered. It has been disclosed by the accused persons
himself that this motorcycle is subject to theft.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. Counsel submits that from the seizure-list it transpires that from the petitioner's possession mobile has been recovered. Counsel submits that other co-accused from whose possession motorcycle and mobile was recovered has been granted bail by a coordinate Bench of this Court vide order dated 31.01.2024 passed in Cr. Misc. No.71848 of 2023. Counsel submits that the petitioner is in custody since 05.08.2023 and is accused in four more criminal cases. Counsel submits that he has no instruction that petitioner is on bail in all cases pending against him or not. Counsel further submits that the offence in which it has been charged are Magisterial triable.

5. Learned counsel for the State opposes the prayer for bail and submits that antecedent of the petitioner is not clean. There are four criminal cases pending against the petitioner.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner, above named, be granted bail **only after confirming that he is not absconding in the following cases i.e., (i) Ghorasahan P.S. Case No.509 of 2021, (ii) Ghorasahan P.S. Case No.513 of 2021, (iii) Kundwa Chainpur P.S. Case No.264 of 2021, and**



(iv) Ghorasahan P.S. Case No.351 of 2023, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Sikrahana at Dhaka East Champaran, Motihari, in connection with Ghorasahan P.S. Case No.466 of 2023, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other 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 bonds by the Trial Court itself;

(iii) The petitioner shall appear before the concerned police station every month for 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 evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(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 the bail bonds.

(Dr. Anshuman, J)

Mkr./-

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