

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39267 of 2024

Arising Out of PS. Case No.-314 Year-2023 Thana- MUFFASIL District- West Champaran

Abhay Kumar Son of Bhagrasan Chaudhary R/o Village- Bagahi Ratanpur,
P.S.- Bairiya, Dist.- West Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarvesh Kashyap, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 26-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Bettiah Muffasil P.S.
Case No. 314 of 2023, instituted for the offences punishable
under Section 379 of the Indian Penal Code.

3. The prosecution case, in short, is that, motorcycle
of the informant was stolen from the gate of his house.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. Charge-sheet has been submitted in this case. No
incriminating material has been recovered from the conscious
possession of the petitioner. Learned counsel for the petitioner
also submitted that the petitioner is not named in the F.I.R. and



the petitioner was not present at the place of occurrence. Learned counsel for the petitioner further submitted that name of the petitioner has transpired in this case on the basis of his own confessional statement in connection with Nautan P.S. Case No. 95 of 2023 and the same has got no evidentiary value. The petitioner has been remanded in this case on 01.07.2023 and has got four criminal antecedent in which the petitioner is on bail.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and taking into account the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bettiah Muffasil P.S. Case No. 314 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two



consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(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.

(Rudra Prakash Mishra, J)

Rajorshi/-

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