

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44663 of 2024

Arising Out of PS. Case No.-70 Year-2024 Thana- BIBHUTIPUR District- Samastipur

Subham Kumar @ Shubham Kumar son of Mahesh Ray @ Mahesh chandra Prasad Yadav Village- Kalyanpur Uttar Tola Ajrakhi Ps- Bibhutipur dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra, Advocate

For the Opposite Party/s : Mrs. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 03-07-2024 Heard Mr. Anant Kumar Mishra, learned counsel appearing on behalf of the petitioner and the learned APP for the State.

2. The petitioner seeks regular bail, who is in custody in connection with Bibhutipur P.S. Case No. 70 of 2024, registered for the offence punishable under Section 379 of the Indian Penal Code.

3. Allegedly, the informant went to attend a *barat*, after parking the motorcycle near the marriage hall and after attending the marriage, when he came to the parking place, he did not find his motorcycle, leading to lodging of the FIR.

4. Learned Advocate for the petitioner contended that admittedly the FIR has instituted against unknown thieves, however, during the course of investigation, one Arvind Kumar



was apprehended, from whose garage the stolen motorcycle was recovered. The apprehended person disclosed the name of the petitioner as one of the participant of the crime. Save and except the confessional statement, there is no material suggesting the complicity of the petitioner nor there is any recovery of incriminating material from the person or possession. It is also the contention of the petitioner that the petitioner is a student of Bachelor of Science in a college of Lalit Narayan Mithila University. However, as earlier, his name was implicated in a criminal case, his name has been implicated in this case also without there being any cogent material. That apart, the investigation of the case has already been completed and charge-sheet has also been submitted is the contention of the petitioner.

5. On the other hand, learned APP for the State vehemently opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that entire case is based upon on the confessional statement, moreover, the offence as alleged is triable by the magistrate, coupled with the fact that charge-sheet has been submitted, let the petitioner, named above, 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 learned Sub Divisional



Judicial Magistrate, Rosera, Samastipur in connection with Bibhutipur P.S. Case No. 70 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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