

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2068 of 2024

Arising Out of PS. Case No.-104 Year-2022 Thana- MIRGANJ District- Gopalganj

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Aman Rai S/o - Virendra Rai R/o Vill.- Bhairiopatti,P.S.- Mirganj,Dist.-
Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vyas Mishra, Adv

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 24-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Mirganj P.S. Case No. 104 of 2022 registered on 28.03.2022
lodged under Sections 379 of the I.P.C.

3. As per the prosecution case, F.I.R. has been lodged
against unknown accused persons and it has been alleged that
the informant motorcycle was subject to theft.

4. Counsel for the petitioner submits that name of the
petitioner has been figured in this case at the instance of police
only due to reason that there are four criminal antecedents
against the petitioner.

5. Counsel further submits that petitioner is innocent
and has committed no offence. He further submits that nothing



incriminating has been recovered from the possession of the petitioner nor he was put on TIP and the offence in which petitioner has been charged is triable by Magistrate. He further submits that petitioner is in custody since 05.05.2022 having four criminal case pending against him, in which he is on bail.

6. Learned counsel for the State opposes the prayer for bail and submit that petitioner has four criminal antecedents. Therefore, at the time of granting bail, this aspect must be taken into consideration.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail *after framing of charge* and 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-VI, Gopalganj in connection with Mirganj P.S. Case No. 104 of 2022, subject to the following conditions as well as the conditions laid down under Section 437 (3) of the Cr.P.C.

(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)

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