

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3236 of 2024

Arising Out of PS. Case No.-93 Year-2023 Thana- BARGAINIA District- Sitamarhi

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Avinash Kumar @ Abhinash Kumar Son of Arvind Patel Resident of Village-
Ashogi, Ward No. 09, P.S.- Bairgania, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Birendra Kumar

For the Opposite Party/s : Mr.Renu Kumari

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 29-01-2024 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Bairgania P.S. Case No. 93/2023 registered for the offences
punishable under Section 379 of the Indian Penal Code.

3. As per prosecution case, informant's motorcycle is
said to have stolen by the unknown.

4. Learned counsel for the petitioner submits that
during course of investigation, the name of petitioner transpired
in this case as the petitioner was seated on the stolen motorcycle
which was being driven by co-accused Faijan Mansoori. He
further submits that no incriminating article has been recovered
from the conscious possession of the petitioner except one
country made pistol was recovered for which Bairgania P.S.



Case No.105/2023 was lodged and from which he was remanded in the present case on 10.07.2023 and since then he is languishing in jail custody. The petitioner bears criminal antecedent of two cases and in both cases he is on bail. He further submits that the petitioner is quite innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case merely on suspicion. Except suspicion, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. He orally submits that charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named 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 Judicial Magistrate-1st Class, Sitamarhi in connection with Bairgania P.S. Case No. 93/2023, subject to following



conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(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.

(Alok Kumar Pandey, J)

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