

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83462 of 2024

Arising Out of PS. Case No.-39 Year-2024 Thana- KHUTAUNA District- Madhubani

Devendra Sah @ Devendra Kumar Sahu @ Devendra Kumar Sah Son of
Kailash Sah Resident of Village- Kalapatti, Barhi, P.S.- Phulparas, District-
Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Adv.

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 20-02-2025 Heard the parties.

2. The petitioner is in custody in connection with Khutauna P.S. Case No. 39 of 2024 giving rise to G.R. Sl. No. 377 of 2024 for the offence punishable under sections 379 of the Indian Penal Code lodged on 16.03.2024 by the informant, Vivek Kumar.

3. As per the prosecution story, the allegation is that the informant stopped his motorcycle to attend the call of nature while the two accused persons came out of a car and took away the motorcycle. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he has got criminal antecedent and was arrested in another case in which after the confession of the accused persons, he has been



remanded in this case on 02.09.2024 (para 15 of the petition). Further, the recovery is from the possession of Bharat Sah and an undertaking has been given that henceforth, if he is found indulged in any criminal activity, the present bail bond be canceled, if granted relief.

5. 5. Learned APP opposes the prayer for bail submitting that he has criminal antecedent.

6. Taking into account the submissions put forward by the parties as also the fact that nothing has been recovered from his conscious possession and he is in custody since 02.09.2024, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Jhanjharpur, Madhubani in connection with Khutauna P.S. Case No. 39 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her 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 bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(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 his bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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