

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83564 of 2024

Arising Out of PS. Case No.-383 Year-2022 Thana- BAHADURPUR District- Darbhanga

Suman Yadav @ Sumanji Kumar @ Samanji Kumar Son of Late Bishanudeo Yadav @ Bishundeo Yadav Resident of Village and P.O.- Dhoi Gauri Tol, P.S.- Sadar, Distt.- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Madhumala Kumari, Advocate
For the State : Mrs. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 29-04-2025 Heard Mrs. Madhumala Kumari, learned counsel for the petitioner and Mrs. Sucheta Yadav, learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Bahadurpur P.S. Case No. 383 of 2022, F.I.R. dated 07.08.2022 registered for the offences punishable under Sections 379 and 411 of the Indian Penal Code.

3. The F.I.R. of the occurrence of theft of motorcycle is against unknown.

4. Learned counsel for the petitioner submits that for the same set of allegation two F.I.Rs were instituted, one is the present F.I.R. and the second F.I.R. is Sadar P.S. Case No. 514 of 2022. Learned counsel for the petitioner further submits that the motorcycle in question has been recovered in Sadar P.S. Case No. 514 of 2022 and in the present case the petitioner is not named



in the F.I.R. and he has been made accused in Sadar P.S. Case No. 514 of 2022 on the basis of self confessional statement of the petitioner and it transpires that for the same set of allegation two F.I.Rs were instituted and petitioner has been granted bail in Sadar P.S. Case No. 514 of 2022.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner carries one more cases other than the present one but fairly submits on the basis of paragraph-3 of the bail petition that the petitioner is on bail in the pending matter.

6. Considering the aforesaid facts that for the same set of allegation two F.I.Rs were instituted and in one case i.e. Sadar P.S. Case No. 514 of 2022 petitioner has been granted bail and the subject matter of both the cases are for the same vehicle, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M. Darbhanga in connection with Bahadurpur P.S. Case No. 383 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions :-

(1) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that 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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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