

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21345 of 2019

Arising Out of PS. Case No.-328 Year-2018 Thana- PARSABAZAR District- Patna

RAHUL KUMAR Son of Late Lal Babu Rai Resident of Mohalla - Atwarpur,
P.O. Kurthol, P.S.- Parsa Bazar, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Yadav

For the Opposite Party/s : Mr.Mithlesh Kumar Khare

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 05-04-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
17.10.2018 in connection with Parsa Bazar P.S. Case No. 328 of
2018 for offences punishable under Section 414 of the Indian
Penal Code.

The prosecution case, as lodged by the police
personnel, is that on secret information that one person is
possessing stolen motorcycle, the police conducted a raid and
apprehended the petitioner with motorcycle, who stated before
the police that he had taken the motorcycle from co-accused
Aakash Kumar, who was found absconding from his house.
Accordingly, a seizure-list was prepared.

It has been submitted by the learned counsel for the



petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that the motorcycle was given to him by co-accused Aakash Kumar and he did not know that it was a stolen one. He further submits that charge-sheet has already been submitted there being no allegation of tampering with the prosecution witnesses and the petitioner is languishing in judicial custody for nearly six months.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not bear a clean antecedent and two more cases, one of similar nature, are pending against him.

Considering the nature of allegations and the period of custody and that charge-sheet has already been submitted, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Patna, in connection with Parsa Bazar P.S. Case No. 328 of 2018, subject to the following conditions :

1. One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.



2. If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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