

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25929 of 2019**

Arising Out of PS. Case No.-736 Year-2018 Thana- HAJIPUR SADAR
District- Vaishali

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SUBHASH KUMAR, male, aged about 19 years, S/o Jagarnath Ray R/o
village- Arara, P.S.- Sadar Hajipur, District- Vaishali

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Manish Chandra Gandhi, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 22-04-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 341, 323, 414, 353, 504/34 of the Indian
Penal Code registered in connection with Hajipur Sadar P.S. Case
No. 736 of 2018.

3. It is submitted that the petitioner has been falsely
implicated and in any event the petitioner is the bona fide
purchaser and owner of the subject motorcycle bearing
Registration No. BR31AE-2048 as evident from the registration
certificate standing in the petitioner's name (Annexure-2). The
petitioner claims clean antecedents.

4. Be that as it may, in the event of the petitioner's
arrest or surrender before the court below within six weeks from
the date of communication of this order, let the above named
petitioner be released on provisional bail on furnishing bail bond
of Rs.10,000/- (ten thousand) with two sureties of like amount
each to the satisfaction of learned Chief Judicial Magistrate,



Vaishali at Hajipur in connection with Sadar Hajipur P.S. Case No. 736 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions -

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

5. The provisional bail shall be confirmed by the learned Court below upon physical verification of the motorcycle with reference to the certificate of registration of the subject motorcycle showing the petitioner is the owner. In case if the petitioner is not found to be the owner of the motorcycle in question, the provisional bail shall stand automatically cancelled.

(Vikash Jain, J)

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