

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.13537 of 2021**

Arising Out of PS. Case No.-251 Year-2020 Thana- RAGHOPUR District- Supaul

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SUSHIL KUMAR Son of Bhupendra Yadav Mehta Resident of Village-
Dahipauri, Ward No.02, P.O.- Ram Bishunpur, P.S.- Raghobpur, Distt- Supaul.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Pranav Kumar, Advocate

For the Opposite Party/s : Ms. Renu Kumari, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 27-07-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Raghobpur P.S. Case No. 251 of 2020 registered

for the offences punishable under Sections 413, 411/34 of the

Indian Penal Code.

As per the prosecution story, the informant while on

patrolling duty got secret information that one Shamsher is

standing with a stolen motorcycle near N.H. 57 petrol pump.

The informant along with his team reached at the said place and

on seeing the police one person tried to flee away but was apprehended eventually. Upon inquiry the apprehended person disclosed his name Shamsheer and could not produce any valid papers of the motorcycle and revealed that this petitioner and one co-accused gave him this motorcycle 6-7 days ago.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case merely on confessional statement of the co-accused. It is further submitted that the petitioner is not named in the F.I.R. and there is no recovery of any stolen motorcycle from possession of the petitioner. Learned counsel submits that the petitioner is in custody since 11.10.2020 having no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that the petitioner is not named in the F.I.R., his name has transpired in the confessional statement of co-accused Md. Shamsheer but there is no recovery of any stolen motorcycle from possession of the petitioner, he is in custody in connection with this case since 11.10.2020, he has otherwise no criminal

antecedent, in the circumstances, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Birpur (Supaul) in connection with Raghapur P.S. Case No. 251 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.