

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 37562 of 2021

Arising Out of PS. Case No.-426 Year-2020 Thana- ARWAL District- Jehanabad

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DIPAK KUMAR Son of Rabindra Prasad Resident of Village- Teragana Dih,
Police Station - Masaurhi, District- Patna, At present Shivajee Nagar, Gandhi
Hodre, P.S. - Digha, District - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Shambhu Nath Jha, Advocate
For the Opposite Party/s : Ms Meena Singh, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 13-12-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for brevity, *APP*) appearing for
the State of Bihar.

The petitioner seeks bail in Arwal Police Station (for
brevity, *PS*) Case No 426 of 2020 dated 24.12.2020 instituted
for the offence punishable under Section 414 of Indian Penal
Code.

During routine checking, one vehicle (Bolero) bearing
registration number of a motorcycle was apprehended. The
same was a stolen vehicle and the driver has stated that he was
driving the same as per petitioner's instructions.

Learned counsel for the petitioner submits that, based
on confessional statement of such co-accused person in police



custody, the petitioner has been in jail now since 24.12.2020. He is on bail in Gauraichak PS Case No 204 of 2016 dated 10.09.2016 in which he is on bail. Submission is of false implication.

Learned APP has opposed the prayer for bail.

Having considered the rival submissions, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate III, Arwal in Arwal PS Case No 426 of 2020 dated 24.12.2020, GR No 1120 of 2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.



Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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