

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38434 of 2021

Arising Out of PS. Case No.-859 Year-2020 Thana- NAGAR District- Vaishali

RAHUL KUMAR RAI Son of Anil Ray Resident of Village - Nakhas Chowk,
P.S. - Hajipur Town, District - Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar
For the Opposite Party/s : Ms. Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 14-12-2021 Heard learned counsel for the petitioner and learned
APP for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in connection with Hajipur Town P.S. Case No. 859 of 2020 registered under Section 392 of the Indian Penal Code.

Informant's motorcycle has been taken away by three unnamed miscreants.

Learned petitioner's counsel submits that in the investigation it emerged that the stolen motorcycles were being sold in parts by co-accused Deepak Kumar from whose



possession remaining parts of the motorcycle were recovered including number plate. There is no recovery from the petitioner of any incriminating article and other than statement of the said co-accused having no legal force, there is no material against the petitioner. Under such circumstances, he is in custody since 08.01.2021, having no antecedents.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in Hajipur Town P.S. Case No. 859 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.

(Madhuresh Prasad, J)

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