

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6975 of 2022

Arising Out of PS. Case No.-224 Year-2021 Thana- EKMA District- Saran

Soni Prasad S/o Rajendra Prasad Resident of Village- Ekma, P.S. Ekma,
District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, App

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 15-06-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within four
weeks from today.

The petitioner seeks regular bail in connection with
Ekma P.S. Case No. 224 of 2021 instituted for the offences
punishable under Sections 414 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 11.06.2021 charge-sheet has been
submitted in the case and has antecedent of 4 cases.

The prosecution case in short is that on 10.06.2021,
during the course of vehicle checking by police near Ekma High
School, they found that two persons were arriving towards west
to east direction by a Bajaj Discover motorcycle bearing



registration no. BR-04H-1962, after seeing the police personnel they turned around their motorcycle but were chased and caught by the police. On enquiry, they disclosed their names as Soni Prasad (Petitioner) and Jitendra Prasad @ Khesari. On demand, no documents with regard to the said motorcycle were produced by them.

Learned counsel for the petitioner submits that neither the petitioner is the owner of the alleged recovered motorcycle nor the same has been recovered from his possession as the same gets proved from perusal of the seizure list prepared in relation with the present case as together the alleged motorcycle which has been recovered either from the petitioner's possession or from the possession of the another co-accused person namely, Jitendra Prasad, whose case is on similar footing to that case of the petitioner, has been granted bail by the learned court below itself.

Learned counsel for the petitioner further submits that the recovered motorcycle was found standing beside the road near the Ekma High School in suspicious condition when the petitioner was caught merely on the basis of suspicion and has falsely been implicated in this case.

Learned A.P.P. for the State vehemently opposes the



prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody since 11.06.2021, charge-sheet has been submitted in the case, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1st, Saran at Chapra in connection with Ekma P.S. Case No. 224 of 2021 subject to the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

(3) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

Gaurav Kumar/-

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