

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26527 of 2022**

Arising Out of PS. Case No.-291 Year-2021 Thana- MASHRAK District- Saran

Arjun Kumar Son of Parmeshwar Ray R/O- Vill- Sisai, P.O.- Dumarsan
Bangara, P.S.- Mashrak, Dist- Saran At Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jeetendra Narayan, Advocate
For the Opposite Party/s : Mr. Awadhesh Kumar Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 04-11-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in the virtual court
proceeding.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

The petitioner is apprehending his arrest in a case
registered for the offences punishable under Sections 413, 414
read with 34 of the Indian Penal Code.

According to the prosecution case, on 01.06.2021,
the informant along with other police officials came to know
that some miscreants had assembled at the pond of the village to
sell and purchase stolen motorcycles. When they reached there,
the boys started fleeing but on chase three of them were
apprehended and disclosed the name of their associates.



Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case on the basis of the statement made by the co-accused, namely, Manish Kumar. He further submits that it appears from the F.I.R. as well as seizure list that the motorcycle has been recovered from pond situated near the house of the co-accused, namely, Manish Kumar. He further submits that the petitioner has no concern at all with the alleged recovery or the co-accused.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Mashrak P.S. Case No. 291 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. 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.

(Rajesh Kumar Verma, J)

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