

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28160 of 2022

Arising Out of PS. Case No.-34 Year-2022 Thana- BEUR District- Patna

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Rahul Kumar Son Of Lal Babu @ Lal Babu Ray R/O Village- Etwarpur, P.S.-
Parsa Bazar, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Binod Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 26-08-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State in the virtual Court proceeding.

Petitioner seeks bail in a case registered for the offence punishable under Sections 411,441/34 of the IPC.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that in fact the petitioner was apprehended alongwith the co-accused, namely, Golu Kumar with the motorcycle in question. Further submits that no FIR has been lodged with regard to the theft of present motorcycle in question so no case under Sections 411,441 and 34 of the IPC is



made out against the petitioner and mainly on the basis of suspicion, the petitioner has falsely been implicated in the present case. Further submits that in fact nothing has been recovered from possession of the petitioner rather the police has planted the same and shown that the recovery has been made from possession of the petitioner. Further submits that the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 17.01.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries five more cases other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, 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 learned Court below where the case is pending in connection with Beur P.S. Case No.34 of 2022, with 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) 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.

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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