

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28901 of 2022

Arising Out of PS. Case No.-117 Year-2021 Thana- SATHI District- West Champaran

Rahul Kumar @ Barma Chaudhary @ Barma Ram, S/o Kishore Choudhri @
Kishor Chaudhary Resident of Ward No. 16, Shivganj, P.S.- Shikarpur,
District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Gupta, Advocate
For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 29-08-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks from the date of resumption of
physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in
connection with Sathi P.S. Case No. 117 of 2021 registered for
the alleged offences under Sections 413 and 414 of the Indian
Penal Code.

As per the prosecution case, during checking of
vehicles, four persons riding on a motorcycle were seen and last
person sitting on the motorcycle ran away on seeing the police
when the motorcycle reached near the checking point. Three
persons were apprehended and from their disclosure, it came to



the knowledge that the petitioner was the person who ran away on seeing the police and he has stolen the motorcycle three apprehended persons were riding.

The learned counsel for the petitioner submits that the petitioner was not apprehended from the spot and nothing incriminating has been recovered from his possession. The prosecution story is not believable that four persons were riding on a single motorcycle. In fact, the petitioner has nothing to do with the said motorcycle and he has been made accused merely on the statement of co-accused persons. The petitioner is in custody since 14.09.2021. The charge sheet has been submitted in this case. The petitioner has three cases pending against him, but he is on bail in two such cases.

Learned A.P.P. opposes the prayer for bail of the petitioner submitting that the name of the petitioner came up in the confessional statement of co-accused and he is a habitual offender.

Perused the records.

Having regard to the facts and circumstances and submissions made hereinabove and considering the submission of charge sheet and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of



Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Bettiah, West Champaran, in connection with Sathi P.S. Case No. 117 of 2021, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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