

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29617 of 2022

Arising Out of PS. Case No.-348 Year-2021 Thana- ADAPUR District- East Champaran

Raj Prakash Kumar @ Bauwa, Son of Krishna Mahto, Resident of Village-
Harkaina, P.S.-Muffasil, District-East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Dinesh Singh,APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 14-10-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through video conferencing.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

In the present case, the petitioner seeks bail in
connection with Adapur P.S. Case No. 348 of 2021 registered
for the alleged offences under Sections 413 and 414 of the
Indian Penal Code.

As per prosecution case, the co-accused Pankaj
Kumar was apprehended with a stolen motorcycle, who
disclosed the name of the petitioner who gave him the said
motorcycle for selling it in Nepal.

Learned counsel for the petitioner submits that the
petitioner is innocent has been falsely implicated in this case at



the instance of his enemies. The petitioner was not apprehended from the spot and nothing incriminating has been recovered from his possession. The petitioner has been made an accused in this case without any cogent material. Except for the confessional statement of the co-accused, there is no evidence or material to show the complicity of the petitioner in the alleged occurrence. The learned counsel further submits that the petitioner is in custody since 29.01.2022. The charge sheet has been submitted.

Learned A.P.P. opposes the prayer for bail submitting that the petitioner has got criminal antecedent.

Having regard to the submissions made on behalf of the parties 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 Sub-Divisional Judicial Magistrate, Raxaul, East Champaran, Motihari in connection with Adapur P.S. Case No. 348 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)

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