

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30359 of 2022**

Arising Out of PS. Case No.-74 Year-2022 Thana- RAFIGANJ District- Aurangabad

RAHUL KUMAR S/O UPENDRA YADAV Resident of Karma Masood, P.S.-
Rafiganj, District-Aurangabad (Bihar)

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar

For the Opposite Party/s : Mr.Abhay Kumar Roy

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 14-07-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Rafiganj P.S. Case No. 74 of 2022 registered for the offences
punishable under Section 379 of the Indian Penal Code.

As per prosecution case, on 20.02.2022 the
informant after parking his motorcycle at Rafiganj Karmi Mela
went to see a piece of land and when he returned he did not find
his motorcycle there. The FIR has been lodged against
unknown.

Learned counsel for the petitioner submits that
petitioner is not named in the FIR and the FIR has been lodged



against unknown. During course of investigation the name of petitioner transpired as allegedly he demanded Rs. 10,000/- from the informant on phone for returning the motorcycle in question and after that petitioner was apprehended and his confessional statement was recorded by the police and on the basis of said confessional statement alleged stolen motorcycle was recovered from the house of co-accused Pappu Yadav. Petitioner is in custody since 13.03.2022 and bears criminal antecedent of two cases. Charge sheet has been submitted in the case and there is no likelihood of tampering the evidence. He further submits that stolen motorcycle has not been recovered from possession of the petitioner.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner submitting that on the confessional statement of petitioner motorcycle in question was recovered from the house of co-accused Pappu Yadav.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering the evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two



sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Rafiganj P.S. Case No. 74 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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