

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.41306 of 2021**

Arising Out of PS. Case No.-223 Year-2020 Thana- RAJPUR District- Buxar

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MUKESH KUMAR @ MUKESH KUMAR BHAR, S/o Late Surendra Rajb-
har R/o village- Mahdah, P.S.- Buxar (M), District- Buxar Petitioner
Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr.Ramakant Yadav, Advocate
For the Opposite Party/s : Mr.Pawan Kumar Chaurasia, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 14-02-2022 Learned counsel for the petitioner undertakes to re-

move the defects as pointed out by the Stamp Reporter within

four weeks after start of normal functioning of this Court.

Heard learned counsel for the petitioner and Mr.
Pawan Kumar Chaurasia, learned APP for the State.

The petitioner in the present is seeking regular bail in
connection with Rajpur P.S. Case No. 223 of 2020 (G.R.
No.2368/2020) registered for the offences punishable under
Section 414/34 of the Indian Penal Code. The petitioner is in
custody since 24.12.2020. He is accused in Rajpur P.S. Case No.
221 of 2020 and except that he has no criminal antecedent.

Learned counsel for the petitioner submits that as per
the prosecution story, on secret information, the informant re-
covered the looted motorcycle from the house of co-accused
Amit Kumar @ Mithai and on his confession co-accused Prem



Chandra Kumar @ Naga was arrested. The recovered motorcycle was the subject matter of Rajpur P.S. Case No. 221 of 2020.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that the name of the petitioner has been dragged in this case in the confession of Prem Chandra Kumar. It is further submitted that on the recovery of one motorcycle only, two cases have been separately registered by Police, in the case being Rajpur P.S. Case No. 221 of 2020 under Section 392 of the Indian Penal Code, the petitioner has already been granted bail by the learned court below itself.

Mr. Pawan Kumar Chaurasia, learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Having regard to the submission that on the recovery of one motorcycle only two cases have been separately registered by Police, in the case being Rajpur P.S. Case No. 221 of 2020 under Section 392 of the Indian Penal Code, the petitioner has already been granted bail by the learned court below itself, the present case has been separately lodged for the offence under Section 414/34 of the Indian Penal Code and in connection with this case the petitioner has remained in jail since 24.12.2020, he has otherwise no criminal antecedent except one



case as stated above and investigation against him is complete, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VII, Buxar in connection with Rajpur P.S. Case No. 223 of 2020 (G.R. No.2368/2020), subject to the conditions as laid down under Section 437(3) of the Cr.P.C.

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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

