

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41891 of 2021

Arising Out of PS. Case No.-109 Year-2019 Thana- MARAUNA District- Supaul

RAHUL KUMAR @ RAHUL PANDEY Son of Iski Pandey @ Iski Lal Pandey Resident of Village- Radhikapur (Neema), Chainaltol, Police Station- Bheja, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 22-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the complete start of the physical Court in normal course.

The petitioner, who is in custody since 15.01.2021, seeks regular bail in connection with Marauna P.S. Case No. 109 of 2019 for the offence punishable under Sections 379 and 411/34 of the Indian Penal Code.

The prosecution case, in brief, is that the motorcycle of the informant bearing Registration No. BR32AB-9659, 180CC was stolen by some unknown miscreants and accordingly the seizure-list was prepared.



Learned counsel appearing on behalf of the petitioner submits that the name of the petitioner surfaced in this case on the confessional statement of one Mahesh Paswan from whose possession the stolen motorcycle was recovered. The said motorcycle has been released in favour of the informant vide order dated 01.10.2019 by the learned Judicial Magistrate 1st Class, Supaul. Nothing has been recovered from the possession of the petitioner. Petitioner has been roped in this case because he has been made accused in some other cases. Petitioner is the sole bread earner of his family and is in custody since 15.01.2021. Hence he be enlarged on bail.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the aforementioned facts and circumstances of the case, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-VI, Supaul in connection with Marauna P.S. Case No. 109 of 2019, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court



concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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