

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.34862 of 2022**

Arising Out of PS. Case No.-291 Year-2021 Thana- RAJIVNAGAR District- Patna

RAKESH KUMAR MISHRA @ RAKESH MISHRA S/o Ram Badan Mishra  
Resident of Mohalla - Raja bazar, Sheikhpura Bagicha, Bazar Gali House No.  
232, P.S.- Shastri Nagar, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Manoj Kumar Singh, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      13-09-2022                      Heard learned counsel for the petitioner and learned  
counsel for the State.

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

The petitioner is in judicial custody in connection with  
Rajeev Nagar P.S. Case No. 291 of 2021 for the offences under  
Sections 414, 401, 467, 468 and 471 of the Indian Penal Code.

As per the FIR, the informant has alleged that the  
petitioner is in habit of cutting, modifying and selling the stolen  
vehicle in his garage. It is further alleged that informant has received  
information that a stolen scorpio bearing registration no. WB 12 AV  
9574 was stolen and vehicle was modified by changing the number  
plate and bumper in the Vaishnavi garage, Patna which belongs to the  
petitioner. On raid and search, 11 four Wheelers and two  
motorcycles as well as many number plates cut into different pieces



were recovered from the said garage. Accordingly, the FIR was lodged and the petitioner was taken into custody.

Learned counsel for the petitioner submits that he is owner of the Vaishnavi Garage where the vehicles come and get repaired and taken away. Before repaired, the number plates are removed from the car/vehicle and as per the prosecution story, the matter was investigated in connection with Goraul P.S. Case No. 218 of 2020 whereas the said FIR (Annexure-2 of the bail application) does not show any allegation of stolen vehicle. It is his submission that he do not have any criminal antecedent and is in jail since 28.03.2022 (as stated in paragraph -17 of the bail application).

Per contra, learned APP for the State submits that there is so much of recovery/seizure of the different parts of the vehicle from the said garage and as such, the role of the petitioner cannot be ignored.

Be that as it may, in the present case, the petitioner is the owner of the Vaishnavi garage where scraps were present as narrated above by counsel for the petitioner he is in custody since 28.03.2022 and has no criminal antecedent and ultimately, he has to face the trial, this court is inclined to grant him privilege of bail after framing of charge.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial



Magistrate -III, Patna in connection with Rajeev Nagar P.S. Case No. 291 of 2021, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every month till the conclusion of the trial to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

**(Rajiv Roy, J)**

Jagdish/Neha-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

