

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35436 of 2022

Arising Out of PS. Case No.-94 Year-2022 Thana- RAFIGANJ District- Aurangabad

RAJIV KUMAR SON OF KAMLESH DAS RESIDENT OF VILLAGE-
TETARPUR, P.S.- TEYKARI, DISTRICT- GAYA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukul Kumari

For the Opposite Party/s : Mr.Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 20-09-2022 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. 94 of 2022, G.R. No. 484 of 2022
registered for the offences punishable under Sections 401, 413,
414/34 of the Indian Penal Code.

As per prosecution case, there is alleged recovery of
one black color Discover motorcycle bearing Reg. No. BR 26G
4335 from possession of present petitioner.

Learned counsel for the petitioner submits that
petitioner is in custody since 12.03.2022. Petitioner bears no
criminal antecedent. Charge sheet has been submitted in this



case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that petitioner was returning from a marriage ceremony from where he has taken the aforesaid motorcycle of his relative but he had no knowledge that the aforesaid motorcycle was stolen property. He further submits that petitioner has no concern with the seized motorcycle.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds 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. 94 of 2022, G.R. No. 484 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 without appropriate permission, 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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