

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46019 of 2021**

Arising Out of PS. Case No.-268 Year-2021 Thana- MAHUA District- Vaishali

RAKESH KUMAR @ SHAHANSA S/o BHAGWAT SINGH R/o
VILLAGE-MIRZANAGAR, P.S- MAHUA, DISTRICT-VAISHALI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shanti Bhushan Singh, Adv.

For the Opposite Party/s : Mr. A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 21-02-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Mahua
P.S. Case No. 268 of 2021 registered for the offence under
Sections 413 and 414 of the Indian Penal Code.

The petitioner is said to have been apprehended by
the police with a motorcycle without its valid papers.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case. He further submits that although
recovery of a motorcycle without papers is alleged to have
been shown in the F.I.R. but, in fact, nothing has been
recovered from the conscious possession of the petitioner



rather the police has planted the case and shown the recovery from the possession of the petitioner. The police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 05.05.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M.-,Vaishali at Hajipur in connection with Mahua P.S. Case No. 268 of 2021 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

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.

(Rajesh Kumar Verma, J)

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