

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36825 of 2022

Arising Out of PS. Case No.-63 Year-2022 Thana- KURTHA District- Jehanabad

Vicky Kumar Son Of Satyendra Prasad @ Satyendra Kumar @ Satyendra
Saw Resident Of C/O Govind Kumar S/O Chandrabhushan Saw, Village-
Indrapuri Durga Chowk, Road No.-14, House No.-34, P.S.- Patliputra,
District- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Abhishek, Advocate

For the Opposite Party/s : Mr.Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-09-2022 Heard learned counsel for the petitioner and learned
APP for the State in Virtual Court Proceeding.

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

The case is registered under sections 414, 34 of the
Indian Penal Code, in connection with Kurtha P.S. Case No. 63
of 2022.

As per the prosecution story, the police upon
information that wine is being carried, intercepted two cars and
the drivers of the vehicle disclosed their names as Govinda
Kumar and Jitender Kumar.

The petitioner herein was seated in the back seat of
the car. Upon search, Rs. 1,37,000/-, mobile set and some empty



bags of different colour were recovered/seized and accordingly, the FIR was lodged.

Learned counsel for the petitioner submits that the petitioner is tenant of Govinda Kumar and in good faith he was accompanying without any knowledge what is being carried in the car. It is his further submission that in any case only mobile has been recovered from his conscious possession and cannot come in the purview of any crime. It is last submission of the counsel for the petitioner that he is in custody since 16.3.2022 despite the fact that he has no criminal antecedent.

Taking into account the aforesaid facts that he is in custody since 16.3.2022, has no criminal antecedent, role has been assigned to the aforesaid Govinda Kumar and Jitender Kumar and only mobile has been recovered from his conscious possession, this Court is inclined to grant him the privilege of bail. However, if it is found that he do have criminal antecedent, this bail order shall become infructuous.

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 Chief Judicial Magistrate, Arwal, in connection with Kurtha P.S. Case No. 63 of 2022 subject to the following conditions:



(i) one of the bailors should be the family members 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 fortnight for next six months to mark his presence;

(iv) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) 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.

Ravi/Ajay Singh

(Rajiv Roy, J)

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