

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38311 of 2022

Arising Out of PS. Case No.-152 Year-2022 Thana- RAJAPAKAR District- Vaishali

Saurav Raj S/o Alok Ray Resident of village - Rajapakar South Ward No. 8,
P.S.- Rajapakar, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate.

For the Opposite Party/s : Dr. Ajeet Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 10-10-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Rajesh Kumar, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Rajapakar P.S. Case No. 152 of 2022, for the offences punishable under Sections 413 and 414 of the Indian Penal Code.

The allegation against the petitioner is that he had purchased stolen motorcycle from co-accused Ankit Kumar @ Rohit Kumar @ Belwa and the said motorcycle was recovered from the possession of the petitioner.

It is submitted by the learned counsel appearing on



behalf of the petitioner that save and except the allegation that the petitioner had purchased motorcycle from co-accused person after paying Rs.5,000/-, there is no material against him. There is no allegation against the petitioner that he was found involved in theft of the motorcycle or selling of the same. He further submitted that petitioner, who is aged about 19 years, having fair antecedent, is in custody since 19.05.2022 and moreover, the recovery has not been made from his conscious possession rather the same is said to have been recovered from the door of the petitioner, which was an open place, accessible to all.

On the other hand learned APP for the State vehemently opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the period of incarceration as well as the fact that investigation of the crime has already been completed, let the petitioner, named above, 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 Ms. Vandana learned Judicial Magistrate, 1st Class, Vaishali at Hajipur, in connection with Rajapakar P.S. Case No. 152 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner



with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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