

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50269 of 2021**

Arising Out of PS. Case No.-91 Year-2021 Thana- SIWAN MUFFASIL District- Siwan

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Rahul Kumar Sah Son of Prabhu Sah Resident of Mohalla- Shiv Mandir
Mahadeva, Police Station- Siwan Muffasil (Nahadeva O.P.), district- Siwan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Raghav Prasad, Advocate

For the Opposite Party/s : Mrs.Sangeeta Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 20-04-2022 Heard counsel for the parties.

The petitioner is in judicial custody in connection with Siwan Muffasil (Mahadeva O.P). P.S. Case No. 91 of 2021 instituted under section 379 of the Indian Penal Code.

The allegation is that Dr. Pankaj Kumar Singh had parked his motorcycle which went missing. Subsequently, it is alleged that amongst other, this petitioner was trying to sell the motorcycle when the police apprehended him and other other co-accused.

The learned counsel for the petitioner submits that this led to another FIR being Siwan Town P.S. Case No. 128 of 2021 under Section 413 and 414/34 of the Indian Penal



Code in which he was arrested on 26.2.2022 and he is subsequently on bail. He further submits that in this case he was taken into remand on 9.6.2022 and as such his continued incarceration in jail is for more than a year.

Taking into the aforesaid facts as also that the charge-sheet has already been submitted in the matter, 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, Siwan, in connection with Siwan Mufassil (Mahadeva O.P.) P.S. Case No. 91 of 2021 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/here 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) the petitioner shall desist from committing any criminal offence again, failing which the State shall take steps for cancellation of his bail bonds.

With the aforesaid, the bail application is allowed.

(Rajiv Roy, J)

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