

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52884 of 2021

Arising Out of PS. Case No.-104 Year-2019 Thana- NOWKOTHI GARHPURA District-
Begusarai

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RUPESH KUMAR, S/o Rohit Mahton R/o Village- Rampur, P.S.- Alauli,
District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vagisha Pragya Vacaknavi
For the Opposite Party/s : Mr.Shantanu Kumar

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 09-02-2022 Heard the learned counsel for the petitioner and the
learned APP for the State, through Video Conferencing.

The petitioner seeks bail in connection with Nowkothi
P.S. Case No. 104 of 2019 (G.R. No. 3259 of 2019), instituted
for the offences under Section 392 of the Indian Penal Code.

The learned counsel for the petitioner submits that the
petitioner is in custody since 23.03.2021, charge-sheet has been
submitted and has antecedent of one case and allegation is of
looting away the motorcycle of the petitioner along with other
valuable articles by some unknown miscreants.

The learned counsel for the petitioner submits that
the FIR was against unknown and the petitioner came to be
implicated in the present case based on his own confessional



statement as he was in custody in different case. The learned counsel further submits that though the impugned order records that the motorcycle was recovered from the house of the petitioner, but at para 15 of the bail application, it has been specifically stated that the said observation or finding has been recorded inadvertently, as the motorcycle was recovered from a Baswari though it is alleged that it was recovered based on the confession made by the petitioner. Learned counsel further submits that the petitioner came to be implicated because of his antecedent.

The learned A.P.P. vehemently opposes the bail application.

Considering the fact that the petitioner is in custody since 23.03.2021, charge-sheet has been submitted, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Begusarai, in connection with Nowkothi P.S. Case No. 104 of 2019 (G.R. No. 3259 of 2019), with a condition that one of the bailor shall be the father of the petitioner (Rohit Kumar) and in the event if the petitioner is implicated in a case of similar nature, the Court



below will forthwith cancel his bail bond.

The application stands allowed.

(Satyavrat Verma, J)

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