

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44058 of 2022

Arising Out of PS. Case No.-148 Year-2022 Thana- BAIKUNTHPUR District- Gopalganj

Sunil Kumar, Son of Shree Kishun Rai @ Kishun Rai R/O Village -
Maharani, P.S.- Mahammadpur, District - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikash Kumar Shukla, Advocate

For the Opposite Party/s : Mr. Sucheta Yadav, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 18-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceeding.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Baikunthpur P.S. Case No. 148 of 2022
registered for the alleged offences under Sections 413, 414 and
34 of the Indian Penal Code.

As per prosecution case, police received secret
information about assembly of some criminals with stolen
motorcycle for trade of the same and for making of plan to
commit some crime. A raid was conducted at the identified
place and four persons were apprehended after chase including
the petitioner of this case. They also disclosed the name of three



more persons who were also involved. From the spot, three stolen motorcycles were recovered.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case merely on suspicion. The petitioner and other co-accused persons who were apprehended belong to two different police stations and the petitioner has no concern either with the co-accused persons or with the motorcycles seized by the police. Learned counsel further submits that the petitioner was returning home after attending a marriage ceremony and during checking, he was stopped by the police who demanded illegal gratification. On refusal by the petitioner and to save their skin, police implicated the petitioner showing him as miscreants making a plan for stealing the motorcycle. Charge sheet has been submitted in this case and the petitioner is in custody since 03.06.2022.

Learned APP for the State opposes the prayer for bail of the petitioner.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the period of custody of this petitioner along with submission of charge sheet against him, the petitioner above named is directed



to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Baikunthpur P.S. Case No. 148 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

Gautam/daya

U		T	
---	--	---	--

