

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54130 of 2021

Arising Out of PS. Case No.-72 Year-2021 Thana- ISHAKCHAK District- Bhagalpur

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RUPESH KUMAR JHA Son of Late Lalan Kumar Jha Resident of Dariyapur,
Gorgaon Chowk, P.S.- Sajaour, Dist- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madan Mohan, Advocate

For the Opposite Party/s : Mr. Anita Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-04-2022 Heard learned counsel for the parties.

The petitioner is a named accused in connection with Isakchak P.S. Case No. 72 of 2021 lodged on 18th of June, 2021 instituted under Sections 467, 468, 471, 420 and 414/34 of the Indian Penal Code.

As per the prosecution case, the police during patrolling found two persons trying to escape the place. They were apprehended and gave their names as Ramakant Rai, Rupesh Kumar Jha, the petitioner herein. They were asked to produce the documents relating to the motorcycle they were riding and they failed to provide original one, it was seized. It was further disclosed by accused Ramakant Rai that he had purchased this motorcycle from one Vicky Pandey.

Learned counsel for the petitioner submits that he is a



victim of circumstances inasmuch as due to the criminal antecedents that he is having, cases have been imposed by police on him. He lastly submits that he is in jail since the date of occurrence i.e. 19.06.2021 and as such, he may be released on bail.

Taking into account that nothing was recovered from his possession and it was Ramakant Rai, who produced forged documents relating to the motorcycle as also the fact that charge sheet has already been submitted and he is in judicial custody since 19th of June, 2021, it would be fit to release him on bail. However, considering the fact that he has almost half dozens cases in which he has been made accused, strict conditions have to be imposed on him before he is enlarged on bail.

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 Judicial Magistrate, 1st Class, Bhagalpur in connection with Ishakchak P.S. Case No. 72 of 2021, subject to the following conditions :-

- (i) one of the bailor should be the family member 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) 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 observations, this bail application is allowed.

(Rajiv Roy, J)

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