

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)  
CRIMINAL MISCELLANEOUS No.48674 of 2022**

Arising Out of PS. Case No.-193 Year-2022 Thana- KOTWA District- East Champaran

Kundan Kumar S/o Bala Yadav @ Bala Rai R/o village- Dipau, P.S.- Kotwa,  
District- East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Ms. Rashmi Jha, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD  
ORAL ORDER**

2      09-12-2022                      Learned counsel for the petitioner undertakes to  
  
remove all the defects as pointed out by office within two weeks  
  
from today.

Heard learned counsel for the petitioner and Mr. Md.  
Fahimuddin, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in  
  
connection with Kotwa P.S. Case No. 193 of 2022 registered for  
  
the offences punishable under Sections 379, 411, 413 of the  
  
Indian Penal Code. He is in custody since 22.05.2022. The  
  
petitioner has got no criminal antecedent.

Learned counsel for the petitioner submits that as per  
  
the prosecution story, the Officer-Incharge of Kotwa Police  
  
Station received information that one person was caught with a  
  
stolen motorcycle, thereafter the police reached there and on



demand, the petitioner did not produce any document regarding the motorcycle, hence the motorcycle was seized.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner is in custody in connection with this case since 22.05.2022 having no criminal antecedent.

Learned counsel submits that the petitioner had purchased the motorcycle in question from one Ramesh Kumar Yadav who told the petitioner that he would hand over the documents later. It is further submitted that the allegation against the petitioner is that of having a stolen motorcycle but there is no FIR with respect to the said motorcycle by anyone.

Mr. Md. Fahimuddin, learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that the petitioner has been arrested on the allegation that he was having a stolen motorcycle but there was no FIR in respect of the said motorcycle by anyone, the petitioner has no criminal antecedent and he has remained in custody since 22.05.2022, therefore, this Court directs that the petitioner above named be released on bail



on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Kotwa P.S. Case No. 193 of 2022, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application is allowed.

Certified copy of this order shall be made available only after removal of the defects.

**(Rajeev Ranjan Prasad, J)**

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