

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.51385 of 2022**

Arising Out of PS. Case No.-206 Year-2022 Thana- SIDHWALIYA District- Gopalganj

Surenbra Kumar S/O Laxman Mahto Resident Of Mahuaari, P.S.- Siwan  
Muffassil, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Umesh Kumar Singh, Advocate  
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE KHATIM REZA**  
**ORAL ORDER**

2      09-12-2022                      The matter has been taken-up through video  
conferencing

Heard learned counsel for the petitioner and learned  
A.P.P for the State.

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

The petitioner seeks bail in connection with a case  
registered for the offence punishable under Sections 413, 414  
and 34 of the Indian Penal Code.

The prosecution case, in short, is that the informant is the  
Police Sub Inspector at Sidhwaliya Police Station, District-  
Gopalganj. On getting order from higher officer, he started  
special vehicle checking for crime control, on which two



persons on splendor motorcycle arrived from Salempur at about 18:25 hrs, he gave the signal to stop, then both persons wanted to flee away to turn his motorcycle, but the police chased them. On interrogation they disclosed their names as Surendra Kumar (petitioner) and Sandesh kumar. On asking about the motorcycle, bearing registration No. BR28AC2448, they disclosed that this is a stolen motorcycle.

Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case and has no concerned with the seized motorcycle, as he was only the pillion driver of the seized motorcycle. It is submitted that the petitioner was going to matrimonial house of his sister with his friend, co-accused, namely, Sandesh Kumar on the said motorcycle and he was unaware that the motorcycle which they were riding was a stolen one. It is further submitted that no incriminating article has been recovered from the conscious possession of the petitioner. Further, it is submitted that the petitioner is in custody since 12.06.2022, has antecedent of one case and charge-sheet has been submitted in the case.

Learned A.P.P for the State opposes the prayer for regular bail of the petitioner.

Considering the facts and circumstances of this case, the



above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) only with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1<sup>st</sup> Class, Gopalganj in connection with Sidhwaliya P.S. Case No. 206 of 2022, subject to the following conditions:-

1. Petitioner shall co-operate in trial and shall be properly represented on each and every dated fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates with sufficient reason, his/her bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister or his wife.

3. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

**(Khatim Reza, J)**

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