

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.53474 of 2022**

Arising Out of PS. Case No.-30 Year-2022 Thana- MARANCHI District- Patna

Rahul Kumar, S/o Sitaram Matho @ Sitaram Rai, Resident of Village-  
Shayam Nagar Dhobauli, O.P. Muffasil, P.S.- Lakho, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Mohit Shriwastava, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      23-12-2022              Learned counsel for the petitioner is permitted to  
remove the defect(s), as pointed out by the office, within a  
period of four weeks from today.

Heard Mr. Mohit Shriwastava, learned counsel for the  
petitioner and learned APP for the State through video  
conferencing.

The petitioner seeks regular bail, who is in custody in  
connection with Maranchi P.S. Case No.30 of 2022 registered  
for the offence punishable under Section 379 of the Indian Penal  
Code.

The prosecution case is based on a written report filed  
by the informant alleging therein that on 09.03.2022 at 4.30 PM  
he parked his motorcycle near Shivam Mishtan Bhandar and  
gone to attend a ceremony and when he returned, he did not find  
his motorcycle there. The informant made sincere search,  
however, he did not find his motorcycle.



Learned counsel appearing on behalf of the petitioner submits that the F.I.R. has been instituted against unknown thieves, however, the name of the petitioner transpired during the course of investigation, when the petitioner was arrested in connection with Birpur P.S. Case No. 45 of 2022 and thereafter on the basis of his self-confession, he has been remanded in this case on 06.06.2022 and since then he is in custody. He further submits that save and except the confessional statement, there is no other material suggesting the complicity of the petitioner in the present crime, apart from the fact that the offence is triable by the Magistrate and the petitioner is in custody for more than six months. He lastly submits that the investigation of the crime is already complete and charge-sheet has been submitted.

On the other hand learned APP for the State opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that the offence is triable by the Magistrate and moreover the investigation of the crime is already complete and charge-sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1<sup>st</sup> Class, Barh, Patna in connection with Maranchi



P.S. Case No.30 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

**(Harish Kumar, J)**

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